Alan C. Lloyd, Ph.D.
Chairman
2020 L Street • P.O. Box 2815 • Sacramento, California 95812 • www.arb.ca.gov

...ston H. Hickox
Agency Secretary

Gray Davis
Governor

Shaw A3

Air Resources Board

July 26, 2000

Ms. Felicia Marcus
Region IX Administrator
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

Attention: Deborah Jordan, Acting Director
Air Division

Dear Ms. Marcus:

Enclosed are three copies of revisions to the *State of California Implementation Plan for Achieving and Maintaining the National Ambient Air Quality Standards* (SIP). These revisions consist of adopted, amended, and rescinded rules of the following air pollution control and air quality management districts (districts):

El Dorado County Air Pollution Control District
Kern County Air Pollution Control District
Monterey Bay Unified Air Pollution Control District
South Coast Air Quality Management District
Yolo-Solano Air Quality Management District

Also enclosed is Air Resources Board (ARB) Executive Order G125-260 adopting the district rules as revisions to the SIP. The districts are authorized to adopt and enforce the rules by California Health and Safety Code section 40001. ARB is authorized to adopt the rules as revisions to the SIP by Health and Safety Code sections 39601, 39602, and 41650 through 41652. Enclosure A lists the specific rules that were adopted, amended, or rescinded by the districts and that have been adopted as revisions to the SIP by ARB through Executive Order G125-260.

To meet the United States Environmental Protection Agency (U.S. EPA) criteria for determining that rule submittals are administratively and technically complete, we have enclosed evaluations of the effects of the rules on emissions, evaluations of the rules' consistency with 40 CFR 51, and other supporting documentation provided to us to date by the affected districts. We have made every reasonable effort to obtain from the districts all documentation necessary to comply with U.S. EPA's SIP Completeness Policy.

We understand that, according to section 110(k)(1)(B) of the federal Clean Air Act, U.S. EPA will determine within 60 days of the Administrator's receipt of a SIP revision, but no later than six months after the date by which the State is required to submit the revision, whether the rule packages within the revision are adequately complete to review for approvability. ARB staff may receive additional supporting documentation from the affected districts within the next few months. We will, of course, forward those additional materials to you.

If you have any questions or would like to discuss this SIP revision, please contact Mr. Daniel E. Donohoue at (916) 322-6023; or if I may be of assistance, contact me at (916) 322-2890.

Sincerely,

Michael H. Scheible
Deputy Executive Officer

Enclosures

cc: Mr. Daniel E. Donohoue, Chief
Emissions Assessment Branch
Stationary Source Division

California Environmental Protection Agency
AIR RESOURCES BOARD
Executive Order G125-260

WHEREAS, the rules identified in Enclosure A have been adopted, amended, or rescinded by the following air pollution control and air quality management districts (districts):

El Dorado County Air Pollution Control District
Kern County Air Pollution Control District
Monterey Bay Unified Air Pollution Control District
South Coast Air Quality Management District
Yolo-Solano Air Quality Management District

WHEREAS, the districts are authorized by California Health and Safety Code (H&SC) section 40001 to adopt and enforce the rules identified in Enclosure A; and

WHEREAS, the rules have been submitted to the Air Resources Board (ARB) for inclusion in the *State of California Implementation Plan for Achieving and Maintaining the National Ambient Air Quality Standards* (SIP) as reasonably available control measures for limiting emissions of air pollutants within the districts; and

WHEREAS, the ARB has determined that these rules are necessary to meet requirements of the federal Clean Air Act; and

WHEREAS, the ARB is authorized by H&SC sections 39601, 39602, and 41650 through 41652 to adopt district rules as revisions to the SIP.

THEREFORE, IT IS ORDERED that the ARB hereby adopts the districts' rules identified in Enclosure A as revisions to the SIP.

I certify, pursuant to 40 CFR 51.102(f), that the rules identified in Enclosure A were adopted, amended, or rescinded after notice and public hearings as required by 40 CFR 51.102(a) and 51.102(d).

Executed this 26th day of July, 2000, at Sacramento, California.

CALIFORNIA AIR RESOURCES BOARD

Michael H. Scheible
Deputy Executive Officer

Date: July 26, 2000

California Environmental Protection Agency
AIR RESOURCES BOARD

Enclosure A
Rules That Were Adopted, Amended, or Rescinded by the Following
Air Pollution Control Districts
And
Air Quality Management Districts
and are submitted as Revisions to the
State of California Implementation Plan for Achieving
and Maintaining the National Ambient Air Quality Standards

District	Rule Number	Date Amended	Title
El Dorado County APCD	101	2/15/00	General Provisions and Definitions (adopted)
	101	2/15/00	Title (rescinded)
	102	2/15/00	Definitions (rescinded)
	240	2/15/00	Polyester Resin Operations (adopted)
Kern County APCD	210.1	5/4/00	New and Modified Stationary Source Review (NSR) (amended)
	427	5/4/00	Stationary Piston Engines (Oxides of Nitrogen) (amended)
Monterey Bay Unified APCD	215	6/21/00	Banking of Emission Reductions (amended)

Date: July 26, 2000

California Environmental Protection Agency
AIR RESOURCES BOARD

Enclosure A, Cont'd
Rules That Were Adopted, Amended, or Rescinded by the Following
Air Pollution Control Districts
And
Air Quality Management Districts
and are submitted as Revisions to the
State of California Implementation Plan for Achieving and Maintaining the National Ambient Air Quality Standards

District	Rule Number	Date Amended	Title
South Coast AQMD	461	4/21/00	Gasoline Transfer and Dispensing (amended)
	1150.1	3/17/00	Control of Gaseous Emissions from Municipal Solid Waste Landfills (amended)
	1189	1/21/00	Emissions from Hydrogen Plant Process Vents (adopted)
Yolo-Solano AQMD	1.1	8/13/97	General Provisions and Definitions (amended)

CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST

*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

All rules submitted to the EPA as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the EPA. Rules will not be evaluated for approvability by the EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rule packages sent to the ARB for submittal to the EPA, please fill out the following form and include it with the rule package you send us. See the ARB's Guidelines on the Implementation of the EPA's Draft SIP Completeness Policy, October 1989, for a more detailed explanation than is provided here.

DISTRICT KERN COUNTY RULE NO. 210.1 DATE ADOPTED OR AMENDED 5-4-00

RULE TITLE NEW AND MODIFIED STATIONARY SOURCE REVIEW

ADMINISTRATIVE MATERIALS

Attached	Not Attached*	N/A	
(X)	( )	( )	COMPLETE COPY OF THE RULE: Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
(X)	( )	( )	UNDERLINE AND STRIKEOUT COPY OF THE RULE: If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended.
( )	( )	(X)	COMPLETE COPY OF REFERENCED RULE(S): For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to EPA as a part of a previous SIP submittal.
(X)	( )	( )	PUBLIC NOTICE EVIDENCE: Include a copy of the local newspaper clipping certification(s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended.

* Attach a separate sheet for each rule explaining why any materials are not included and when they will be submitted to the ARB.

Rule 210.1 - RLAQCV

(X) ( ) ( ) RESOLUTION/MINUTE ORDER: Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 (Administrative Procedures Act).

( ) ( ) (X) PUBLIC COMMENTS AND RESPONSES: Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left.

TECHNICAL MATERIALS

(X) ( ) ( ) RULE EVALUATION FORM: See instructions for completing the Rule Evaluation Form and the accompanying sample form.

( ) ( ) (X) NON-EPA TEST METHOD: Include all test methods referenced in the rule, but not previously submitted to EPA. Provide an explanation of the purpose and principle for the test method and include the following supporting technical data: describe the test details (number of tests to be carried out, their precision, accuracy, and repeatability); on a technical basis, compare the method with the appropriate EPA/ASTM method; explain the technical differences of the two methods and how they affect monitoring of the parameters of interest; explain how the test method affects the implementation and enforcement of the applicable rule; explain the advantages and any potential shortcomings of the test method.

( ) ( ) (X) MODELING SUPPORT: Provide if appropriate; in general modeling support is not required for VOC and NOx rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources (≥100 TPY) in an attainment area for SO2, directly emitted PM10, CO, or NOx (for NO2 purposes). In cases where EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emissions patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP used the current EPA modeling guidelines. If current EPA modeling guidelines were not used, then new modeling may be required.

( ) ( ) (X) ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM EPA POLICIES: As appropriate, describe special circumstances, i.e., where alternative RACT is used, extended compliance dates are included, etc. A completed SIP Aoprovability Checklist-Enforceability will fulfill this requirement.

(X) ( ) ( ) ADDITIONAL MATERIALS: Provide any other supporting information concerning development of the rule or rule changes, such as staff reports.

CALIFORNIA AIR RESOURCES BOARD

APCD / AQMD RULE EVALUATION FORM - Page 1

I. GENERAL INFORMATION

District: KERN COUNTY Rule No.: 210.1 Date Adopted or Amended: 5-4-00

Rule Title: NEW AND MODIFIED SOURCE REVIEW

Date Submitted to ARB: 5-31-00 If an Amended Rule, Date Last Amended (or Adopted): 5-6-99

Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? (X) Yes ( ) No If NO, do not complete remainder of form.

District Contact: THOMAS PAXSON Phone No.: (661) 862-5250

Narrative Summary of New Rule or Rule Changes: ( ) New Rule (X) Amended Rule

EMISSIONS OFFSET RATIOS AMENDED TO MAKE THEM CONSISTENT WITH FCAAA REQUIREMENTS AND OTHER ADJACENT AIR DISTRICTS

Pollutant(s) Regulated by the Rule (Circle): (ROG) (NOx) (SO2) (PM10) CO TAC (name): _____

II. EFFECT ON EMISSIONS

Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emissions information provided below was determined.

Net Effect on Emissions: ( ) Increase ( ) Decrease (Y) N/A OFFSET RATIOS STILL RESULT IN NET AIR QUALITY BENEFIT

Emission Reduction Commitment in SIP for this Source Category: _____ tons/year

SCC/CES Code Affected: _____ If a SCC Code is Assigned, SIC Code Affected: _____

(NOTE: If more than one SCC or CES code or more than one combination of SCC and SIC codes are needed, fill out the following information on a separate form for each combination of codes.)

Inventory Year Used to Calculate Changes in Emissions: _____ Area Affected: _____

Future Year Control Profile Estimate (Provide information on as many years as possible.):

Year	Tons/year Reductions (Increases)	/ Baseline Tons/year Subject to Rule	= Control Level	* 100 = Percent Control	1.00 – Control Level = Control Factor
_____	_____	/ _____	= _____	* 100 = _____ %	1.00 – _____ = _____
_____	_____	/ _____	= _____	* 100 = _____ %	1.00 – _____ = _____
_____	_____	/ _____	= _____	* 100 = _____ %	1.00 – _____ = _____
_____	_____	/ _____	= _____	* 100 = _____ %	1.00 – _____ = _____

KCAPCD - RULE 210.1

CALIFORNIA AIR RESOURCES BOARD

APCD / AQMD RULE EVALUATION FORM - Page 2

III. SOURCES / ATTAINMENT STATUS

District is: ( ) Attainment (X) Nonattainment ( ) Split

Approximate Total Number of Small (<100 TPY) Sources Controlled by Rule: 12 PER YEAR

Percent in Nonattainment Area: 100 %

Number of Large (≥ 100 TPY) Sources Controlled: 1 PER YEAR Percent in Nonattainment Area: 100 %

Name(s) and Location(s) (city and county) of Large (≥ 100 TPY) Sources Controlled by Rule (Attach additional sheets as necessary.):

APPLIES TO NEW AND MODIFIED MAJOR SOURCES

IV. EMISSION REDUCTION TECHNOLOGY NA

Does the Rule Include Emission Limits that are Continuous? ( ) Yes ( ) No

If Yes, Those Limits are in Section (s) _____ of the rule.

Other Methods in the Rule for Achieving Emission Reductions are:

V. OTHER REQUIREMENTS NA

The Rule Contains:

Emission Limits in Section(s): _____ Work Practice Standards in Section(s): _____

Recordkeeping Requirements in Section(s): _____ Reporting Requirements in Section(s): _____

Attach a Completed EPA SIP Approvability Checklist - Enforceability or Provide an Equivalent Compliance/Enforcement Strategy Statement.

VI. IMPACT ON AIR QUALITY PLAN

(X) No impact ( ) Impacts RFP ( ) Impacts attainment

Discussion: _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
SIP APPROVABILITY CHECKLIST-ENFORCEABILITY

SIP Package No. _____	Date Rec. _____	Date Due _____
(For USEPA Use Only)		

District: KERN COUNTY Rule No.: 210.1 Date Adopted or Amended: 5-4-00

Rule Title: NEW AND MODIFIED SOURCE REVIEW

Enforceability Analysis	District Response	EPA Requirement	Approvability (Approvable or Not) (For EPA Use Only)
1. Applicability			
a. What sources are being regulated?	ALL SIGNIFICANT SOURCES	Clarity	
b. What are criteria for exemption?	IF ATC/PTO REQUIRED	Clarity	
c. Is calculation procedure for exemption clearly specified?	YES	Example calculation or clear explanation of how to determine exemption (line by line, etc.)	
d. Is emission inventory listed in the background document of the attainment demonstration?	YES	Inventory including allowable and actual emissions in source category should be included, for enforcement purposes and independent of any Clean Air Act requirements, in the attainment demonstration if such data is necessary for determining baselines in regulations.	

KCAPCD - Rule 210.1

Enforceability Analysis	District Response	EPA Requirement	Approvability (Approvable or Not) (For EPA Use Only)
e. Is the averaging time(s) used in the rule different from that of the ambient standard?	NA	The averaging time in the rule must be consistent with protecting the ambient standard in question. Normally, it should be equal to or shorter than the time associated with the standard. Longer term averaging is available only in limited instances provided that the ambient standard is not compromised.	
f. What are the units of compliance (lbs VOC per gallon of solids applied less water, grains per standard cubic foot?)	NA	Clearly stated in the rule	
g. Is bubbling or averaging of any type allowed? If yes, state criteria. Could a U.S. EPA inspector independently determine if the criteria were met? Does EPA have to approve each case?	NO	Explicit description of how averaging, bubbling, or equivalency is to be determined. VOC equivalency must be on a "solids applied" basis. Any method must be independently reproducible. Provision must be explicit as to whether EPA case-by-case approval required. If provision intended to be "generic" then EPA bubble policy must be met.	

KCAPCD - Rule 210.1

Enforceability Analysis	District Response	EPA Requirement	Approvability (Approvable or Not (For EPA Use Only)
h. If there is a redesignation, will this change the emission limitations? If yes, which ones and how?	No	Regulation may not automatically allow for self nullification upon redesignation of area to attainment. New maintenance demonstration required in order to drop regulation.	
2. Compliance Dates			
a. What is compliance date?	NA	Must not be later than approved or about to be approved date of attainment unless emission reductions not necessary for attainment. In some cases, it will be necessary for the regulation to specify dates in compliance schedules that are required to be submitted by source to state.	
b. What is the attainment date?			
3. Specificity of Conduct			
a. What test method is required?	NA	Test method must be explicitly stated.	
b. What is the averaging time in compliance test method?		Averaging time and application of limit must be explicit.	
c. Is a compliance calculation or evaluation required? (i.e., daily weighted average for VOC).			
d. If yes to "c," list the formula, period of compliance, and/or		Formula must be explicit.	

KCAPCD - Rule 210.1

Enforceability Analysis	District Response	EPA Requirement	Approvability (Approvable or Not) (For EPA Use Only)
4. Incorporation by Reference			
a. What is state authority for rulemaking?	CH & SC		
b. Are methods/rules incorporated by reference in the right manner.	NA		
5. Recordkeeping			
a. What records are required to determine compliance?	OPERATIONAL AND/OR EMISSIONS	Clarity	
b. In what form or units (lbs/gal, gr/dscf, etc.) must the records be kept? On what time basis (instantaneously, hourly, daily)?	NA	Records to be kept must be consistent with units of compliance in the performance requirements, including the applicable time period.	
c. Does the rule affirmatively require the records be kept?	YES	There must be a clear separately enforceable provision that requires records to be kept.	

KCAPCD - RULE 210.1

Enforceability Analysis	District Response	EPA Requirement	Approvability (Approvable or Not) (For EPA Use Only)
6. Exemptions a. List any exemptions allowed. b. Is the criteria for application clear?	VERY SMALL SOURCES (DON'T HAVE TO HAVE ATC / PTO) YES	Must be clearly defined and distinguishable from what constitutes a violation.	
7. Malfunction Provisions	NA	Rule must specify what exceedances may be excused, how the standard is to be applied, and who makes the determination.	

BEFORE THE AIR POLLUTION CONTROL BOARD
KERN COUNTY AIR POLLUTION CONTROL DISTRICT

In the matter of:	)	
	)	
ADOPTION OF AMENDMENTS TO RULES AND REGULATIONS OF THE KERN COUNTY AIR POLLUTION CONTROL DISTRICT; TO WIT: RULES 210.1	)	Resolution No. 008 Reference No. 5-2000-008

I, Rachel O. Chavez, SECRETARY OF THE AIR POLLUTION CONTROL BOARD OF THE KERN COUNTY AIR POLLUTION CONTROL DISTRICT, DO HEREBY certify that the following Resolution, proposed by Director McQuiston and seconded by Director Rollins, was duly passed and adopted by said Board at an official meeting thereof this 4th day of May, 2000.

AYES: Perez, McQuiston, Rollins, Kitchen

NOES:

ABSENT: Peterson

KERN COUNTY AIR POLLUTION DISTRICT BOARD OF DIRECTORS

RACHEL O. CHAVEZ
Secretary of the Air Pollution Control Board
of the Kern County Air Pollution Control District

By Rachel O. Chavez

RESOLUTION

Section 1. WHEREAS:

(a) The Air Pollution Control Officer for the District has recommended that this Board consider making and adopting certain amendments to the Rules and Regulations of the Kern County Air Pollution Control District; and

(b) The air pollution control board of an air pollution control district is authorized by Health and Safety Code section 40702 to make and enforce all necessary and proper orders, rules and regulations to accomplish the purposes of Division 26 of the Health and Safety Code; and

(c) On January 6, 2000, this Air Pollution Control Board adopted Resolution 2000-004 fixing March 2, 2000, at the hour of 2:00 p.m. at the Tehachapi City Hall, 115 South Robinson Street, Tehachapi, California, as the time and place for a public hearing to consider the amendments; and

(d) The March 2, 2000 meeting date was rescheduled to March 9, 2000 and the hearing on the adoption of the amendments was rescheduled for that date at the hour of 2:00 p.m. at the Tehachapi City Hall, 115 South Robinson Street, Tehachapi, California; and

(e) Due to a lack of a quorum, the March 9, 2000 meeting date was rescheduled to May 4, 2000 and the hearing on the adoption of the amendments was rescheduled for that date at the hour of 2:00 p.m. at the Tehachapi City Hall, 115 South Robinson Street, Tehachapi, California; and

(f) The notice of said hearing was duly given in accordance with said Resolution and Health and Safety Code section 40725, the matter was heard at the time and place indicated above, evidence was received and all persons desiring to be heard in said matter were given an opportunity to be heard;

Section 2. NOW, THEREFORE, IT IS RESOLVED by the Air Pollution Control Board of the Kern County Air Pollution Control District as follows:

1. The facts herein above recited are found to be true.

2. This Board does hereby revise the Rules and Regulations of the Kern County Air Pollution Control District as set forth in Exhibit "A" attached hereto and incorporated herein by this reference. The foregoing referenced Rules and Regulations attached hereto as Exhibit "A" are hereby adopted as amendments to the Rules and Regulations of the Kern County Air Pollution Control District.

3. The findings of this Board, based on the evidence submitted at the hearing upon which its decision is based, are as follows:

a. The proposed revisions to the Rules and Regulations will:

(1) Amend Rule 210.1 to revise the emission offset limits as follows:

Location of Emission Offset	Emission offset Ratio
From mobile sources within District	1.0 to 1.0
Within the Mojave Desert Air Basin	1.2 to 1.0
From another air basin	That necessary to provide "Reasonable Further Progress," but not less than 1.2 to 1.0

b. All notices required to be given by law have been duly given in accordance with Health and Safety Code section 40725, and the Board has allowed public comment, both oral and written, in accordance with Health and Safety Code section 40726; and

c. In addition, the written analysis required by Health and Safety Code section 40727.2, which identifies all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for adoption or modification, and also identifies any of the District's existing or proposed rules that apply to the same equipment or source type, was prepared by the District. A copy of the analysis was made available to the public from the District.

4. Further findings of this Board as required by Health and Safety Code Section 40727 are as follows:

a. The proposed amendments are necessary to accomplish the purposes of Division 26 of the Health and Safety Code and to comply with state and/or federal Clean Air Act requirements;

b. The Board is authorized to adopt and amend rules and regulations as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the District by Health and Safety Code section 40702;

c. The Board has reviewed the proposed revisions and has determined that the said provisions are set forth in clear and concise language so that their meaning can be easily understood by the persons directly affected by them;

d. The proposed revisions are in harmony with, and not in conflict with or contradictory to, existing District Rules and Regulations, statutes, court decisions, or state or federal regulations;

e. The proposed revisions do not impose the same requirements as an existing state or federal regulation; and

f. The amended Rules and Regulations are being implemented in compliance with Health and Safety Code section 40001 which requires the District to adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emissions sources under its jurisdiction, and enforce all applicable provisions of state and federal law.

5. This Board finds, based on the staff report filed with this Board and the record of its rule adoption hearing, and pursuant to sections 40703 and 40922 of the Health and Safety Code, that the Rules and Regulations contained in Exhibit "A" are the most cost effective of the available control measures considered by this Board.

6. This Board further finds that because the proposed action to amend the District Rules and Regulations is to assure the maintenance, restoration, enhancement or protection of the environment, the proposed action is, therefore, categorically exempt from the provisions of the Environmental Quality Act of 1970 (CEQA) under the provisions of Sections 15000 and 15308 of the State CEQA Guidelines.

7. The Secretary of this Board shall file an appropriate Notice of Exemption with the County Clerk.

8. The District shall maintain a record of this rule-making proceeding in accordance with Health and Safety Code section 40728.

9. The Secretary of this Board is hereby directed, for the purposes of conforming with Section 40704 of the Health and Safety Code, to cause a certified copy of this Resolution, together with the Rules and Regulations adopted herein, to be filed with the California Air Resources Board.

10. The Secretary of this Board is further directed to cause a certified copy of this Resolution to be forwarded to the Air Pollution Control Officer of said District and to the County Counsel of Kern County.

Rule 210.1 New and Modified Stationary Source Review (NSR) - Adopted 3/19/74, Amended 12/28/76, 4/25/78, 5/16/78, 1/9/79, 6/29/79, 9/12/79, 4/5/82, 4/25/83, 8/27/84, 9/16/85, 11/18/85, 6/16/86, 6/1/87, 7/11/88, 8/22/89, 8/21/90, 8/19/91,6/8/92, 7/11/96, 5/6/99, 5/4/00

TABLE OF CONTENTS

I. Purposes and Applicability

A. Rule Purposes: The purposes of this Rule are to:

1. Provide for preconstruction review of new and modified stationary sources of affected pollutants to insure emissions will not interfere with attainment of ambient air quality standards;

2. Insure appropriate new and modified sources of affected pollutants are constructed with Best Available Control Technology; and

3. Provide for no significant net increase in emissions from new and modified stationary sources for all non-attainment pollutants and their precursors.

B. Applicability:

This Rule shall apply to all new stationary sources and all modifications to existing stationary sources subject to Rule 201 (Permits Required).

II. Definitions

A. Actual Emissions: measured or estimated emissions most accurately representing emissions from an emissions unit.

B. Actual Emissions Reductions: reductions of actual emissions from an emissions unit selected to provide emissions offsets or reductions to be banked. Actual emissions reductions shall be calculated pursuant to Subsection IV.C. and shall be real, enforceable, quantifiable, and permanent, and surplus:

C. Affected Pollutants: air contaminants for which there are ambient air quality standards.

D. Ambient Air Quality Standards: State and National Ambient Air Quality Standards. (For inclusion of this Rule in the State Implementation Plan, all references to ambient air quality standards shall be interpreted as National Ambient Air Quality Standards.)

E. Baseline Date: December 28, 1976.

F. Baseline Period:

1. Three consecutive years of operation immediately prior to submission of the complete application;

2. Another time period of at least three consecutive years within five years prior to submission of the complete application and determined by the Control Officer to be more representative of normal operation; or

3. Shorter period of at least one year if the stationary source has not been in operation for three years provided this represents the full operating history of the stationary source. Emissions units which have operated for less than one year shall have no baseline period for determining actual emission reductions and emissions reductions credits shall be limited to any actual emissions reductions provided to obtain the emissions unit's Authority to Construct.

G. Best Available Control Technology: the most stringent emission limitation or control technique of the following:

1. That achieved in practice for such emissions unit and class of source;

2. That contained in any State Implementation Plan approved by U.S. EPA for such emissions unit category and class of source. A specific limitation or control technique shall not apply if the owner or operator of the proposed emissions unit demonstrates to satisfaction of the Control Officer such limitation or control technique is not currently achievable; or

3. Any other emission limitation, control device, alternate basic equipment, or different fuel or process found by the Control Officer to be technologically feasible for such class or category of source or for a specific source, and cost effective as determined by official District policy.

Best Available Control Technology shall not be determined to be less stringent than the emission control required by any applicable provision of local, state, or federal, law or regulation unless the applicant demonstrates to the Control Officer such limitations are not achievable. Application of Best Available Control Technology shall not result in the emission of any pollutant exceeding emissions allowed by any applicable New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants.

H. Cargo Carrier: train dedicated to supplying raw materials, or conveying finished products for a specific stationary source.

I. Complete Application: application for Authority to Construct a new or modified emissions unit reviewed and found to conform to the List and Criteria (see Page L&C-1 of these Rules and Regulations) adopted by the District Board pursuant to Article 3, Sections 65940 through 65944 of Chapter 4.5 of Division 1 of Title 7 of the California Government Code, as that list exists on the date the application is received.

J. Contiguous Property or Adjacent Property: property consisting of two or more parcels of land with a common point or boundary, or separated solely by a public roadway or other public right-of-way.

K. Daily Emissions Limitation: one or a combination of permit conditions specific to an emissions unit restricting its maximum daily emissions, in pounds per day, at or below maximum design capacity emissions. A daily emissions limitation shall be:

1. Contained in the newest applicable Authority to Construct and contained in or enforceable by the newest Permit to Operate for the emissions unit;

2. Enforceable on a daily basis; and

3. Established pursuant to a permitting action subject to this Rule occurring after the Baseline Date and used in calculation of the NSR Balance or increases in potential to emit.

L. Emissions Unit: identifiable source operation or piece of process equipment, such as an article, machine, or other contrivance, which emits, may emit, or results in the emission of any affected pollutant directly, or as fugitive emissions.

M. Federally-Enforceable: all limitations and conditions enforceable by the U.S. EPA Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within any applicable State Implementation Plan, any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I, including operating permits issued under an U.S EPA-approved program incorporated into the State Implementation Plan which expressly require adherence to any permit issued under such program.

N. Fugitive Emission: emission which could not reasonably pass through a stack, chimney, vent, or other functionally-identical opening.

O. Functionally-Identical Replacement: routine maintenance, repair, replacement or modification of an emissions unit where:

1. The replacement unit performs an identical function as the unit being replaced;

2. Maximum rating of the replacement unit is not greater than the unit replaced;

3. Potential to emit of the replacement unit will not be greater than the replaced emissions unit when both are operated at the same permit conditions; and

4. The replacement unit has the same or greater degree of control for each pollutant as the unit being replaced.

P. Historical Potential To Emit: emissions based on potential to emit of an emissions unit prior to modification. In determining historic potential to emit, emissions limitations shall be treated as part of an emissions unit's design only if such limitations are representative of normal operations or if emission offsets were provided from a previous permitting action. For purposes of the above determination, "normal operations" is defined as the usual or typical operation of an emissions unit resulting in actual emissions which are at least 80% of specific limits contained in the emissions unit's Authority to Construct or Permit to Operate. If there are no such enforceable limiting conditions, an emissions unit's potential to emit shall be the unit's historical actual emissions. For a new emissions unit, there are no historical potential emissions.

Q. Identical Replacement: total or partial replacement of an emissions unit where the replacement unit is the same as the original emissions unit in all respects except for serial number.

R. Major Modification: modification of a major stationary source resulting in an increase in potential emissions of more than 100 tons per year of CO, 40 tons per year of SOx (as SO_2), 25 tons per year of NOx, 25 tons per year of volatile organic compounds, or 15 tons per year of PM_{10}, when aggregated with all other creditable decreases and increases in emissions from the stationary source during the last 5 consecutive calendar years, including the calendar year the modification occurred.

S. Major Stationary Source: stationary source with potential to emit 50 tons or more per year of any affected pollutant.

T. Modification:

1. A modification shall include the following:

   a. Construction/installation of a new emissions unit;

   b. Any change in hours of operation, change in production rate, or change in method of operation of an existing emissions unit necessitating a change in permit conditions;

   c. Any physical change, or addition to an existing emissions unit. Routine maintenance or repair shall not be considered a physical change; or

   d. An increase in emissions from an emissions unit caused by modification of the stationary source when the emissions unit is not subject to a daily emissions limitation.

2. Unless previously limited by a permit condition, the following shall not be considered modifications and shall not be subject to provisions of this Rule:

a. Construction of an identical replacement, or at a non-major stationary source, a functionally-identical replacement provided the Control Officer determines there is no increase in maximum rating, and potential to emit any affected pollutant will not be greater from the new emissions unit than from the replaced emissions unit. An exemption for a functionally identical replacement shall be requested and obtained in writing;

b. Change of ownership of an existing emissions unit with a valid Permit to Operate; and

c. Transfer of location of an emissions unit with a valid Permit to Operate and within a stationary source.

3. A reconstructed stationary source shall be considered a new stationary source, not a modification.

U. Nonattainment Pollutant: any pollutant for which an ambient air quality standard was exceeded within the District more than three discontinuous times (or, for annual standards, more than one time) within the three years immediately preceding the date an application for the Authority to Construct is filed, or which has been designated "nonattainment" pursuant to final rule-making by the U.S. EPA (and published in the Federal Register), or which has been designated nonattainment by the California Air Resources Board pursuant to Section 39607 of the California Health and Safety Code. Any pollutant which is a precursor to a nonattainment pollutant shall be considered a nonattainment pollutant.

V. Potential to Emit: maximum capacity of an emissions unit to emit a pollutant under its physical and operational design limitations. Any physical or operational limitation on the capacity of the source to emit a pollutant, including pollution control equipment and restrictions in hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is incorporated into the applicable permit as an enforceable permit condition. Potential to emit shall include directly-emitted fugitive emissions.

W. PM_{10}: particulate matter with an aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by an applicable reference test method (or methods) found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with Section 94100).

X. Precursor: directly emitted air contaminant that, when in the atmosphere, forms, causes to be formed, or contributes to formation of a secondary air contaminant for which an ambient air quality standard exists, or whose presence in the atmosphere will contribute to exceedance of one or more ambient air quality standards.

The following precursor-secondary air contaminant relationships shall be used for purposes of this Rule:

Precursor	Secondary Air Contaminant
Volatile Organic Compounds (VOC's)	a. Ozone b. Organic fraction of PM_{10}
Nitrogen Oxides (NOx)	a. Nitrogen dioxide b. Ozone c. Nitrate fraction of PM_{10}
Sulfur Oxides (SOx)	a. Sulfur dioxide b. Sulfates c. Sulfate fraction of PM_{10}

Y. Reconstructed Source: any stationary source undergoing reconstruction if fixed capital cost of the new components exceeds 50 percent of fixed capital cost of a comparable, entirely new stationary source. Fixed capital cost is capital needed to provide all depreciable components. A reconstructed stationary source shall be considered a new stationary source, not a modification.

Z. Seasonal Source: any stationary source having more than 90 percent of its annual emissions occurring within a consecutive 120-day period.

AA. Secondary Emissions: emissions resulting from construction or operation of a major stationary source or major modification, but not emitted by the major stationary source, or major modification itself. For purposes of this Rule, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the major stationary source or major modification causing the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of construction or operation of the major stationary source or major modification. Exhaust emissions from vehicles registered for use on highways shall not be considered secondary emissions.

BB. Stationary Source: any structure, building, facility, or installation which emits or may emit any affected pollutant directly, or as a fugitive emission. "Structure, building, facility or installation" includes all pollutant emitting activities, including emissions units:

1. Located on one or more contiguous or adjacent properties;

2. Under the same or common ownership or entitlement to use, or owned or operated

by entities under common control; and

3. Belonging to the same industry either by being within the same two-digit Standard Industrial Classification Code; or

4. By being part of a common industrial process, manufacturing process, or connected process involving a common raw material.

CC. Temporary Replacement Emissions Unit (TREU): emissions unit on site for less than six months and replacing an existing emissions unit shut down for maintenance or repair. Emissions from a TREU cannot exceed emissions from the existing emissions unit. An emissions unit not removed within 180 days is not a TREU.

DD. Volatile Organic Compound (VOC): any compound containing at least one atom of carbon except for exempt compounds listed in Rule 102, Subsection L.

III. Requirements

A. Best Available Control Technology:

1. An applicant shall provide Best Available Control Technology for all affected pollutants expected to be emitted from a new emissions unit and for all affected pollutants expected to increase from a modified existing emissions unit.

2. Exemptions:

BACT shall not be required for:

a. A new emissions unit or modification of an existing emissions unit for carbon monoxide in attainment areas (compliance with applicable PSD requirements is necessary);

b. A cargo carrier;

c. A new emissions unit or modification of an existing emissions unit if such installation or modification is solely for the purpose of effecting compliance with District, state, or federal air pollution control laws, regulations, or orders, as approved by the Control Officer, provided there is no increase in potential to emit. This exemption only applies to the affected pollutant regulated by the applicable prohibitory rule, unless the prohibitory rule specifically exempts emissions of other affected pollutants from Rule 210.1 requirements;

d. A new emissions unit or modification of an existing emissions unit resulting in a voluntary reduction in emissions for the sole purpose of generating

emission reduction credits. This exemption applies only to the pollutant qualifying for emission reduction credits;

e. Temporary replacement emissions units;

f. Modifications solely consisting of administrative changes to the permit, including changes to continuous emissions monitoring components, instruments, or replacement of components of an emission unit which have no effect on the quantity of affected pollutants emitted from an emission unit; and

g. Portable internal combustion engines used by the Department of Defense or National Guard exclusively for military tactical support or other federal emergency purposes.

B. Offsets:

1. An applicant shall provide offsets as set forth in Subsections III.B.3., III.B.4., III.B.5., and III.B.6.

2. Exemptions:

Offsets shall not be required for:

a. Emergency equipment not operated more than 200 hours per year (excluding routine maintenance/service startups), as approved by the Control Officer. To qualify for exemption, an emergency electrical generator cannot be operated as part of any utility voluntary reduction program. A source with equipment exempted by this provision shall log hours of operation monthly and submit yearly hours of operation demonstrating qualification for continued exemption prior to permit renewal;

b. Relocation of an emissions unit with a valid Permit to Operate, not operated more than 45 days at any one location in the District within a 12-month period, and not used as a replacement of a emissions unit operated more than 45 days at any one stationary source within a 12 month period. The owner or operator of equipment exempted by this provision shall maintain records of dates of operation at each stationary source to demonstrate qualification for continued exemption;

c. Transfer of location within the District of an existing stationary source with valid Permits to Operate to a new location provided the:

1) transferred equipment would not constitute an addition to an existing stationary source:

2) no change in offset ratio would occur if the source previously required offsets;

3) the permitted emission of any affected pollutant will not be greater at the new location; and

4) there will be no adverse public health impact created.

d. Installation of a new emissions unit or modification of an existing emissions unit if such installation or modification is solely for the purpose of effecting compliance with District, state, or federal air pollution control laws, regulations, or orders, as approved by the Control Officer, provided there is no increase in potential to emit. This exemption applies only to the affected pollutant regulated by the applicable prohibitory rule unless the prohibitory rule specifically exempts emissions of other affected pollutants from Rule 210.1 requirements;

e. Modifications solely consisting of administrative changes to a permit, including changes to continuous emissions monitoring components, instruments, or replacement of components of an emission unit having no effect on the quantity of pollutants emitted;

f. Notwithstanding provisions of Subsection III.B.2., the Control Officer shall not grant exemption from offsets for any emissions increases interfering with implementation of the latest adopted Air Quality Attainment Plan.

3. For PM_{10}, SOx, NOx, and VOC in U.S. EPA and/or CARB designated PM_{10}, SOx, NOx, or Ozone nonattainment areas:

a. A new or modified stationary source of PM_{10} or SOx shall provide offsets for the NSR balance when the NSR balance, calculated pursuant to Subsection IV.D., equals or exceeds the following offset trigger levels; and a new or modified stationary source of NOx and VOC shall provide offsets for the source's potential to emit when the source's potential to emit, calculated pursuant to Subsection IV.E., equals or exceeds the following offset trigger levels:

PM_{10} . . . . . 15 tons/yr

SOx (as SO_2) . . . . . 27 tons/yr

VOC . . . . . 25 tons/yr

NOx (as NO_2) . . . . . 25 tons/yr

After a stationary sources NSR balance and/or stationary source potential to emit equals or exceeds these trigger levels and offsets have been provided fully

offsetting the NSR balance or the stationary source potential to emit, any additional future increase shall be offset.

b. PM_{10} emissions from a stationary source in existence before August 22, 1989, shall be recalculated from total suspended particulate emissions increases and decreases occurring since the baseline date using appropriate PM_{10} emission factors. If appropriate factors do not exist, PM_{10} shall be assumed to be 50% by weight of total suspended particulate matter.

4. Quantity of Offsets:

a. A new or modified stationary source subject to offset requirements shall provide actual emission reductions, calculated on an annual basis, and multiplied by the appropriate offset ratio. All emissions associated with cargo carriers and secondary emissions shall also be offset when offset trigger levels set forth in Subsection III.B.3. are equaled or exceeded (not including cargo carrier or secondary emissions). The quantity of offsets shall be established on an annual basis using Subsection IV.F.

b. All banked emission reductions used to provide offsets, except out-of-district offsets, shall have been accounted for in the District's most recent air quality attainment plan emission inventory.

5. Offset Ratios:

A new or modified stationary source subject to offset requirements of Subsection III.B.3. shall provide offsets by providing actual emission reductions in accordance with the following ratios:

Location of Emission Offset	**Emission Offset Ratio**
From mobile sources within District	1.0 to 1.0
Within Mojave Desert Air Basin	1.2 to 1.0
From another air basin	That necessary to provide " Reasonable Further Progress," but not less than 1.2 to 1.0

Note: If interpollutant offsets are utilized, appropriate additional ratios apply.

6. Offsets Criteria:

Offsets provided to satisfy this Rule shall meet the following criteria:

a. Source shutdowns, or permanent curtailments in production or operating hours of a source can be used as offsets for emissions from a new or modified source, provided the associated Emissions Reduction Credit (ERC) (or the emissions from which the ERC is derived) has been accounted for in the appropriate U.S. EPA-approved Attainment Plan.

b. Offsets located in another district may be used only if the Control Officer has reviewed the banking certificate(s) and associated permit(s) and has verified these documents meet requirements of this Rule and Section 40709.6 of the California Health and Safety Code.

c. Interpollutant offsets may be approved by the Control Officer with written CARB and U.S. EPA concurrence on a case-by-case basis provided the applicant demonstrates, with appropriate modeling in accordance with provisions of Subsection III.C.3., emissions increases from the new or modified source will not cause or contribute to a violation of an ambient air quality standard. Compounds exempted by Rule 102 (Definitions), Subsection L shall not be used as offsets for volatile organic compounds. Interpollutant offsets between PM_{10} and PM_{10} precursors may be allowed. PM_{10} shall not be allowed to offset nitrogen oxide or volatile organic compound emissions.

d. Offsets for new or modified seasonal sources shall be provided as for nonseasonal sources. Offsets for seasonal sources shall occur during corresponding periods of source operation.

C. Additional Requirements:

1. Alternative siting:

For sources requiring an analysis of alternative sites, sizes, and production processes and environmental control techniques, pursuant to Section 173 of the Federal Clean Air Act, the applicant shall prepare an analysis functionally equivalent to requirements of Division 13, Section 21000 et. seq. of the Public Resources Code.

2. Any new major source or major modification shall be subject to review of its impact on visibility in any mandatory Class I area in accordance with 40 CFR 51.307(b)(2).

3. Modeling:

a. Emissions from a new or modified stationary source shall not make worse an exceedance of an ambient air quality standard. In making this determination the Control Officer shall take into account increases in cargo carrier and secondary emissions and offsets provided pursuant to this Rule. Modeling

used for purposes of this Rule shall be consistent with requirements of the most recent edition of U.S. EPA's "Guideline on Air Quality Models" unless the Control Officer finds such models are inappropriate for use. After making such finding, the Control Officer may designate an alternative model only after public comment and written concurrence of CARB, and U.S. EPA.

b. A new or modified stationary source shall be exempt from provisions of Subsection a., above, provided:

1) offsets have been provided for all increases in potential to emit, including fugitive, cargo carrier, and secondary emissions; or
2) the emissions unit is not subject to noticing requirements of Subsection V.A.3.

4. Compliance Certification:

The owner or operator of a proposed new major source or major modification shall certify in writing all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in California, and subject to emission limitations, are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards.

IV. Emissions Calculations

A. Terms:

The following terms are used in this subsection and are defined as follows:

HAE = Historical Actual Emissions. Historical actual emissions are emissions having actually occurred based on source tests, calculated using actual fuel consumption or process weight, recognized emissions factors, or other data approved by the Control Officer and most accurately representing emissions during the baseline period. Historical Actual Emissions shall be discounted for any emissions reduction which is:

1. required or encumbered by any law, rule, regulation, agreement, or order;
2. attributed to a rule noticed for workshop, or proposed (or contained) in the state implementation plan; or
3. attributed to a control measure appearing in an adopted District Air Quality Attainment Plan.

Emissions reductions disallowed by items 2 and 3, above, may be re-eligible as actual emissions reductions if:

1. for rules not identified as control measures in a District Air Quality Attainment Plan or State Implementation Plan, no rule has been adopted within two years from the date of the last public workshop notice; or
2. for control measures identified in a District Air Quality Attainment Plan or State Implementation Plan, no rule has been adopted within two years from the scheduled adoption date, provided the Control Officer has not extended the scheduled adoption date.

PEPM = Potential to Emit for an emissions unit Prior to Modification.

PE = Potential to Emit for a new or modified emissions unit.

CE = Control Efficiency of air pollution control technology. Any control efficiency requirement shall be incorporated in the Authority to Construct and Permit to Operate by means of federally-enforceable condition(s). Reductions due to lowering of throughput rates or operating hours shall not be considered in determining control efficiency. For the same emissions unit, CE used in Subsection IV.B. shall also be used in Subsection IV.C.

AER = Actual Emissions Reduction. An actual emissions reduction may be used to offset contemporaneous onsite increases in potential to emit, or banked pursuant to Rule 210.3 for future onsite, or offsite offsets.

IPE = Increase in potential to emit. An increase in potential to emit of a nonattainment air contaminant (or precursor) subject to Subsection III.B.3. shall be offset by actual emissions reductions.

HPE = Historical Potential to Emit.

DEL = Daily Emissions Limitation (defined in Subsection II.K.)

SSPE = Stationary Source Potential to Emit.

B. Calculating Increases in Potential to Emit:

Increases in potential to emit are always "positive"; any "increase" which is negative shall be set to zero.

1. Functionally-Identical Replacement:

   IPE = PE (for replacement unit) - HPE (for unit being replaced);

2. New Emissions Unit:

   IPE = PE (for new unit);

3. Modification of an existing emissions unit:

   IPE = PE (for modified unit) - HPE (for unit prior to modification).

C. Calculating Actual Emission Reductions:

Actual emissions reductions are always positive, any "reduction" which is negative shall be set to zero.

1. Reduction in operating hours and/or throughput rates:

   AER = (HAE - PE);

2. Shutdown of an emissions unit:

   AER = HAE (for the unit prior to shutdown);

3. Installation of control device, implementation of more efficient process or material, or use of lower emitting fuel:

   $AER = HAE\ [(1\text{-}CE_{BEFORE})\text{-}(1\text{-}CE_{AFTER})]$.

Actual emission reductions calculated pursuant to Subsections IV.C. can be used to offset onsite increases in potential to emit (IPE), banked for future onsite offsets, or transferred to other entities, pursuant to the requirements of this Rule and the District's Banking Rule, Rule 210.3. Onsite actual emissions reductions used to offset contemporaneous onsite increases in potential to emit (IPE) are not required to obtain emission reduction credit banking certificates, but must satisfy requirements of Rule 210.3.

D. Calculating New Source Review Balances (NSRB's) for PM_{10} and SOx:

Stationary source NSR Balances shall be calculated separately for each pollutant. A stationary source's NSR Balance cannot be greater than the stationary source's potential to emit, including any banked emission credits or less than zero. NSR Balances shall be calculated as follows:

1. Effective August 19, 1991 the Control Officer shall set an NSR balance equal to the stationary source cumulative net emissions change for all applications deemed complete after the baseline date and prior to August 19, 1991. Emissions changes (increases and decreases) shall be those quantified by KCAPCD for each affected Authority to Construct or application. If the existing cumulative net emissions change is less than zero, the NSR balance shall be set to zero; historic actual emission reductions may be bankable subject to requirements of Rule 210.3. For emission units added, modified, or shutdown after August 19, 1991, adjustments made to an NSR balance shall be made pursuant to Subsections IV.D.2. and IV.D.3 of this Rule.

2. Each stationary source PM_{10} and SOx NSR Balance shall be the sum of:

   a. Positive cumulative net emissions changes as of August 19, 1991;

   b. Potential to emit for all emissions units with applications deemed complete after August 19, 1991, as authorized by the latest Permit to Operate, or based on a valid Authority to Construct. If more than one valid Authority to Construct exists for the same emissions unit, the Permit to Operate or Authority to Construct with highest potential to emit shall be used;

   c. All increases in potential to emit authorized by valid or implemented Authorities to Construct for emissions units in existence prior to August 19, 1991 and modified after August 19, 1991;

   d. Banked emissions to the extent these reductions have been included in the NSR Balance pursuant to Subsection IV.D.3.a.; and

   e. Potential to emit for cargo carriers and secondary source operation associated with major sources or major modifications if the NSR Balance equals or exceeds an offset trigger level set forth in Subsection III.B.3.

3. The following shall be subtracted when determining a stationary source NSR Balance:

   a. Actual emission reductions authorized by implemented Authorities to Construct for source operations in existence prior to August 19, 1991 and modified or shutdown after August 19, 1991, but only if the stationary source was originally charged with a positive emission change pursuant to Subsection IV.D.2.c.;

   b. Banked emission reduction credits, representing onsite emission reductions from the stationary source, voluntarily surrendered to the District;

   c. Potential to emit for emissions units included in the NSR balance for each

expired or canceled Authority to Construct or Permit to Operate, provided emissions reduction credits have not been obtained pursuant to Rule 210.3;

d. Actual emission reductions represented by Authority to Construct provided historical actual emission reduction credits have not been obtained pursuant to Rule 210.3; and

e. Potential to emit for each valid Authority to Construct or Permit to Operate for source operations exempt from offsets by Subsection III.B.2. to the extent these were included in NSR Balance in Section IV.D.2.

E. Calculating Stationary Source Potentials to Emit (SSPE's) for NOx and VOC:

1. Each stationary source NOx and VOC potential to emit shall be the sum of the following:

a. Potential to emit for all source operations based upon current Permits to Operate and Authorities to Construct. If specific conditions contained in an Authority to Construct or the Permit to Operate restrict emissions, these limitations shall be used to calculate potential to emit.

b. Increases in potential to emit authorized by valid Authorities to Construct for the stationary source in effect on June 8, 1992 and issued since;

c. Banked emission reduction credits for actual emission reductions which have occurred at the source; and

d. Cargo carrier and secondary source emissions associated with major sources or major modifications, if the stationary source potential to emit exceeds a trigger level set forth in Subsection III.B.3.

2. The following shall be subtracted when determining a stationary source potential to emit:

a. Potential to emit for each expired or canceled Authority to Construct or Permit to Operate, provided emission reduction credits have not been applied for pursuant to Rule 210.3;

b. Actual emission reductions provided emission reduction credits have not been obtained pursuant to Rule 210.3;

c. Banked emission reduction credits, representing onsite emission reductions from the stationary source voluntarily surrendered to the District; and

d. Potential to emit for each valid Authority to Construct or Permit to Operate for

source operations exempt from offsets by Subsection III.B.2.

F. Calculating Offset Requirements:

When offsets are triggered pursuant to Subsection III.B.3., the quantity of offsets shall be determined as follows:

1. If the NSR balance or the stationary source potential to emit equals or exceeds an offset trigger level in Section III.B.3.,

   for PM_{10} or SOx:

   Offset = NSR Balance x Offset Ratio;

   for NOx or VOC:

   Offset =SSPE x Offset Ratio.

2. If the stationary source equals or exceeds a trigger level due to a KCAPCD rule change, e.g. loss of permit exemption or change in offset trigger level,

   for PM_{10} or SOx:

   Offset = [NSR Balance (post project) - NSR Balance (immediately prior to rule change)] x Offset Ratio;

   for NOx or VOC lesser of:

   a. IPE x Offset Ratio, or

   b. (SSPE - Offset Trigger Level) x Offset Ratio

3. If the stationary source has previously offset the entire NSR balance or stationary source potential to emit,

   for PM_{10}, SOx, NOx, or VOC:

   Offset = Increase in Permitted Emissions x Offset Ratio.

V. Administrative Requirements

A. New and Modified Emissions Units: Administrative requirements of this section shall apply to all applications for new or modified emissions units except for power plant applications of over 50 megawatts. For such power plants the administrative requirements of Subsection V.B. shall apply.

1. Complete Application:

The Control Officer shall determine whether an application is complete not later than 30 days after receipt. If the Control Officer determines the application is not complete, the applicant shall receive written notification of this decision and a request for the information required. Upon receipt of additional information, a new 30-day period shall begin. Completeness of an application shall be determined on the basis of the District's "List and Criteria" (see Page L&C-1) in effect on the date the application or additional information is received. Upon determination the application is complete, the Control Officer shall notify the applicant in writing. The Control Officer may, during application processing, request an applicant to clarify, amplify, correct, or otherwise supplement information submitted in the application.

2. Preliminary Decision:

Following acceptance of an application as complete, the Control Officer shall perform the analysis necessary to determine compliance with this Rule and make a preliminary written decision to approve (or deny) the Authority to Construct. The Control Officer shall deny any application for Authority to Construct if the Control Officer finds the proposal will not comply with standards set forth in this Rule or any other District Rule. The decision shall be supported by a succinct, written analysis.

3. Notification and Publication of Preliminary Decision to Approve:

a. Requirements of the following Subsections (V.A.3.b. through V.A.3.d.) do not apply unless:

1) the application represents an emission increase resulting in a stationary source NSR balance stationary source potential to emit exceeding offset trigger levels of Subsection III.B.3.; and

2) emissions offsets from a different stationary source will be provided.

b. Within 10 calendar days following a preliminary decision to approve, the Control Officer shall publish in at least one newspaper of general circulation in the District a notice stating the preliminary decision of the Control Officer, noting how pertinent information can be obtained, and inviting written public comment for a 30-day period following date of publication.

c. The Control Officer shall transmit to the applicant his preliminary written decision to approve and a copy of the notice submitted for publication, no later than date of publication.

d. The Control Officer shall transmit to the California Air Resources Board and the U.S. EPA, and to any person requesting such information, his preliminary written decision, analysis, and a copy of the notice submitted for publication, no later than date of publication.

4. Public Inspection of Preliminary Decision Documents:

No later than the publication date of the notice of preliminary decision, the Control Officer shall make available for public inspection at the District Office information submitted by the applicant, and the Control Officer's analysis. Trade secrets shall be processed in accordance with Rule 103 of these Rules and Regulations, Section 6254.7 of the Government Code, and relevant sections of the California Administrative Code.

5. Final Action:

Within 180 days after acceptance of an application as complete, or within 180 days after the lead agency has approved the project under the California Environmental Quality Act, whichever occurs later, the Control Officer shall take final action on the application after considering all written comments.

6. Notification and Publication of Final Action:

The Control Officer shall provide written notice of the final action to the applicant, U.S.EPA, and the California Air Resources Board, and shall publish such notice in a newspaper of general circulation in the District. An application not subject to the Notification and Publication of Preliminary Decision requirements shall not be subject to Notification and Publication of Final Action requirements of this section. In such case the applicant shall receive notification as provided in Rule 206.

7. Public Inspection of Final Action Documents:

No later than the publication date of the notice of final action the Control Officer shall make available for public inspection at the District office a copy of the notice submitted for publication and all supporting documents. Information submitted containing trade secrets shall be processed in accordance with Rule 103, Section 6254.7 of the Government Code, and relevant sections of the California Administrative Code.

8. Public Notice, Schools:

Prior to approving any application for an Authority to Construct a new or modified source expected to emit any substance on the list required to be prepared pursuant to Section 44321 of the California Health and Safety code and located

within 1000 feet of the outer boundary of a school, the Control Officer shall:

a. Prepare a public notice fully describing the proposed new or modified source and proposed emissions, and

b. Distribute such notice at the expense of the applicant to parents of children attending any school within one-quarter mile of the source and to each address within a radius of 1000 feet of the proposed new or modified source at least 30 days prior to the date final action on the application is to be taken by the Control Officer. The Control Officer shall review and consider all comments received during the 30 days after the notice is distributed, and shall include written responses to such comments in the permit application file prior to approving the application.

9. Authority to Construct - General Conditions:

a. An Authority to Construct shall not be issued unless the new or modified source complies with provisions of this Rule and all other applicable District Rules and Regulations;

b. An Authority to Construct shall require the new or modified source to be built according to specifications and plans contained in the application;

c. An Authority to Construct shall include all federally-enforceable conditions necessary to assure construction and operation in the manner assumed in the District's analysis to determine compliance with this Rule; and

d. An Authority to Construct shall include all federally-enforceable conditions necessary to insure fulfillment of offset requirements.

10. Permit to Operate - General Conditions:

a. A Permit to Operate shall require the new source or modification to be operated in the manner assumed in the District's analysis to determine compliance with this Rule and as conditioned in the Authority to Construct;

b. A Permit to Operate shall include daily emissions limitation(s), annual emission limits, and other federally-enforceable conditions reflecting applicable emission limits, including offset requirements;

c. The Control Officer shall verify all conditions specified in the Authority to Construct have been satisfied prior to issuance of the Permit to Operate; and

d. A Permit to Operate shall conform to applicable requirements of Title V of the 1990 Federal Clean Air Act Amendments.

11. Permit to Operate - Offset Conditions:

a. As a condition for issuance of a Permit to Operate, any source providing offsets shall be subject to federally-enforceable permit conditions containing specific operational and emissions limitations, ensuring emissions reductions will be provided in accordance with provisions of this Rule and will continue for the reasonably expected life of the proposed source. Where the Control Officer is prohibited from issuing a Permit to Operate to the source of offsets, a written contract shall be required between the applicant and the owner or operator of such source, which contract, by its terms, shall be enforceable by the Control Officer. The permit and contract shall be submitted to the California Air Resources Board to be forwarded to the U.S. EPA as part of the State Implementation Plan. A violation of the emission limitation provisions of any such contract shall be grounds for permit revocation.

b. Offsets required as a condition of an Authority to Construct or a Permit to Operate shall commence not later than the date of initial operation of the new or modified source.

B. Electrical Power Plants Over 50 Megawatts:

All power plants over 50 megawatts proposed to be constructed in the District,and for which a Notice of Intention of Application for Certification has been accepted by the California Energy Commission (CEC),shall comply with applicable state law, this Rule, and CEC regulations.

Rule 210.1 New and Modified Stationary Source Review (NSR) - Adopted 3/19/74, Amended 12/28/76, 4/25/78, 5/16/78, 1/9/79, 6/29/79, 9/12/79, 4/5/82, 4/25/83, 8/27/84, 9/16/85, 11/18/85, 6/16/86, 6/1/87, 7/11/88, 8/22/89, 8/21/90, 8/19/91,6/8/92, 7/11/96, 5/6/99,___/___/____

TABLE OF CONTENTS

Rule 210.1 New and Modified Stationary Source Review (NSR) - Adopted 3/19/74, Amended 12/28/76, 4/25/78, 5/16/78, 1/9/79, 6/29/79, 9/12/79, 4/5/82, 4/25/83, 8/27/84, 9/16/85, 11/18/85, 6/16/86, 6/1/87, 7/11/88, 8/22/89, 8/21/90, 8/19/91,6/8/92, 7/11/96, 5/6/99, - / /

TABLE OF CONTENTS

I. Purposes and Applicability

A. Rule Purposes: The purposes of this Rule are to:

1. Provide for the preconstruction review of new and modified stationary sources of affected pollutants to insure emissions will not interfere with the attainment of ambient air quality standards;

2. Insure appropriate new and modified sources of affected pollutants are constructed with Best Available Control Technology; and

3. Provide for no significant net increase in emissions from new and modified stationary sources for all non-attainment pollutants and their precursors.

B. Applicability:

This Rule shall apply to all new stationary sources and all modifications to existing stationary sources subject to Rule 201 (Permits Required).

II. Definitions

A. Actual Emissions: measured or estimated emissions most accurately representing emissions from an emissions unit.

B. Actual Emissions Reductions: reductions of actual emissions from an emissions unit selected to provide emissions offsets or reductions to be banked. Actual emissions reductions shall be calculated pursuant to Subsection IV.C. and shall be real, enforceable, quantifiable, and permanent, and surplus:

C. Affected Pollutants: air contaminants for which there are ambient air quality standards.

D. Ambient Air Quality Standards: State and National Ambient Air Quality Standards. (For inclusion of this Rule in the State Implementation Plan, all references to ambient air quality standards shall be interpreted as National Ambient Air Quality Standards.)

E. Baseline Date: December 28, 1976.

F. Baseline Period:

1. Three consecutive years of operation immediately prior to submission of the complete application;

2. Another time period of at least three consecutive years within five years prior to submission of the complete application and determined by the Control Officer to be more representative of normal operation; or

3. Shorter period of at least one year if the stationary source has not been in operation for three years provided this represents the full operating history of the stationary source. Emissions units which have operated for less than one year shall have no baseline period for determining actual emission reductions and emissions reductions credits shall be limited to any actual emissions reductions provided to obtain the emissions unit's Authority to Construct.

G. Best Available Control Technology: the most stringent emission limitation or control technique of the following:

1. That achieved in practice for such emissions unit and class of source;

2. That contained in any State Implementation Plan approved by the U.S. EPA for such emissions unit category and class of source. A specific limitation or control technique shall not apply if the owner or operator of the proposed emissions unit demonstrates to the satisfaction of the Control Officer such limitation or control technique is not currently achievable; or

3. Any other emission limitation, control device, alternate basic equipment, or different fuel or process found by the Control Officer to be technologically feasible for such class or category of source or for a specific source, and cost effective as determined by official District policy.

Best Available Control Technology shall not be determined to be less stringent than the emission control required by any applicable provision of local, state, or federal, law or regulation unless the applicant demonstrates to the Control Officer such limitations are not achievable. Application of Best Available Control Technology shall not result in the emission of any pollutant exceeding emissions allowed by any applicable New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants.

H. Cargo Carrier: train dedicated to supplying raw materials, or conveying finished products for a specific stationary source.

I. Complete Application: application for Authority to Construct a new or modified emissions unit reviewed and found to conform to the List and Criteria (see Page L&C-1 of these Rules and Regulations) adopted by the District pursuant to Article 3, Sections 65940 through 65944 of Chapter 4.5 of Division 1 of Title 7 of the California Government Code, as that list exists on the date the application is received.

J. Contiguous Property or Adjacent Property: property consisting of two or more parcels of land with a common point or boundary, or separated solely by a public roadway or other public right-of-way.

K. Daily Emissions Limitation: one or a combination of permit conditions specific to an emissions unit restricting its maximum daily emissions, in pounds per day, at or below maximum design capacity emissions. A daily emissions limitation shall be:

1. Contained in the newest applicable Authority to Construct and contained in or enforceable by the newest Permit to Operate for the emissions unit;

2. Enforceable on a daily basis; and

3. Established pursuant to a permitting action subject to this Rule occurring after the Baseline Date and used in calculation of the NSR Balance or increases in potential to emit.

L. Emissions Unit: identifiable source operation or piece of process equipment, such as an article, machine, or other contrivance, which emits, may emit, or results in the emission of any affected pollutant directly or as fugitive emissions.

M. Federally-Enforceable: all limitations and conditions enforceable by the U.S. EPA Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within any applicable State Implementation Plan, any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I, including operating permits issued under U.S EPA-approved program incorporated into the State Implementation Plan which expressly require adherence to any permit issued under such program.

N. Fugitive Emission: emission which could not reasonably pass through a stack, chimney, vent, or other functionally-identical opening.

O. Functionally-Identical Replacement: routine maintenance, repair, replacement or modification of an emissions unit where:

1. The replacement unit performs an identical function as the unit being replaced;

2. Maximum rating of the replacement unit is not greater than the unit replaced;

3. Potential to emit of the replacement unit will not be greater than the replaced emissions unit when both are operated at the same permit conditions; and

4. The replacement unit has the same or greater degree of control for each pollutant as the unit being replaced.

P. Historic Potential To Emit: emissions based on the potential to emit of an emissions unit prior to modification. In determining the historic potential to emit, emissions limitations shall be treated as part of an emissions unit's design only if such limitations are representative of normal operations or if emission offsets were provided from a previous permitting action. For the purposes of the above determination, "normal operations" is defined as the usual or typical operation of an emissions unit resulting in actual emissions which are at least 80% of the specific limits contained in the emissions unit's Authority to Construct or Permit to Operate. If there are no such enforceable limiting conditions, an emissions unit's potential to emit shall be the unit's historic actual emissions. For a new emissions unit, there are no historic potential emissions.

Q. Identical Replacement: total or partial replacement of an emissions unit where the replacement unit is the same as the original emissions unit in all respects except for serial number.

R. Major Modification: modification of a major stationary source resulting in an increase in potential emissions of more than 100 tons per year of CO, 40 tons per year of SOx (as SO_2), 25 tons per year of NOx, 25 tons per year of VOC's, or 15 tons per year of PM_{10}, when aggregated with all other creditable decreases and increases in emissions from the stationary source during the last 5 consecutive calendar years, including the calendar year the modification occurred.

S. Major Stationary Source: stationary source with potential to emit 50 tons or more per year of any affected pollutant.

T. Modification:

1. A modification shall include the following:

   a. Construction/installation of a new emissions unit;

   b. Any change in hours of operation, change in production rate, or change in method of operation of an existing emissions unit necessitating a change in permit conditions;

   c. Any physical change, or addition to an existing emissions unit. Routine maintenance or repair shall not be considered a physical change; or

   d. An increase in emissions from an emissions unit caused by modification of the stationary source when the emissions unit is not subject to a daily emissions limitation.

2. Unless previously limited by a permit condition, the following shall not be considered modifications and shall not be subject to provisions of this Rule:

a. Construction of an identical replacement, or at a non-major stationary source, a functionally-identical replacement provided the Control Officer determines there is no increase in maximum rating, and the potential to emit any affected pollutant will not be greater from the new emissions unit than from the replaced emissions unit. An exemption for a functionally identical replacement shall be requested and obtained in writing;

b. Change of ownership of an existing emissions unit with a valid Permit to Operate; and

c. Transfer of location of an emissions unit with a valid Permit to Operate and within a stationary source.

3. A reconstructed stationary source shall be considered a new stationary source, not a modification.

U. Nonattainment Pollutant: any pollutant for which an ambient air quality standard was exceeded within the District more than three discontinuous times (or, for annual standards, more than one time) within the three years immediately preceding the date an application for the Authority to Construct is filed, or which has been designated "nonattainment" pursuant to final rule-making by the U.S. EPA (and published in the Federal Register), or which has been designated nonattainment by the California Air Resources Board pursuant to Section 39607 of the California Health and Safety Code. Any pollutant which is a precursor to a nonattainment pollutant shall be considered a nonattainment pollutant.

V. Potential to Emit: the maximum capacity of an emissions unit to emit a pollutant under its physical and operational design limitations. Any physical or operational limitation on the capacity of the source to emit a pollutant, including pollution control equipment and restrictions in hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is incorporated into the applicable permit as an enforceable permit condition. Potential to emit shall include directly-emitted fugitive emissions.

W. PM_{10}: particulate matter with an aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by an applicable reference test method (or methods) found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with Section 94100).

X. Precursor: directly emitted air contaminant that, when in the atmosphere, forms, causes to be formed, or contributes to the formation of a secondary air contaminant for which an ambient air quality standard exists, or whose presence in the atmosphere will contribute to the exceedance of one or more ambient air quality standards.

The following precursor-secondary air contaminant relationships shall be used for the purposes of this Rule:

Precursor	Secondary Air Contaminant
Volatile Organic Compounds (VOC)	a. Ozone b. Organic fraction of PM_{10}
Nitrogen Oxides (NOx)	a. Nitrogen dioxide b. Ozone c. Nitrate fraction of PM_{10}
Sulfur Oxides (SOx)	a. Sulfur dioxide b. Sulfates c. Sulfate fraction of PM_{10}

Y. Reconstructed Source: any stationary source undergoing reconstruction if the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable, entirely new stationary source. Fixed capital cost is the capital needed to provide all depreciable components. A reconstructed stationary source shall be considered a new stationary source, not a modification.

Z. Seasonal Source: any stationary source having more than 90 percent of its annual emissions occurring within a consecutive 120-day period.

AA. Secondary Emissions: emissions resulting from construction or operation of a major stationary source or major modification, but not emitted by the major stationary source, or major modification itself. For purposes of this Rule, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the major stationary source or major modification causing the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of construction or operation of the major stationary source or major modification. Exhaust emissions from vehicles registered for use on highways shall not be considered secondary emissions.

BB. Stationary Source: any structure, building, facility, or installation which emits or may emit any affected pollutant directly, or as a fugitive emission. "Structure, building, facility or installation" includes all pollutant emitting activities, including emissions units:

1. Located on one or more contiguous or adjacent properties;

2. Under the same or common ownership or entitlement to use, or owned or operated by entities under common control; and

3. Belonging to the same industry either by being within the same two-digit Standard Industrial Classification Code; or

4. By being part of a common industrial process, manufacturing process, or connected process involving a common raw material.

CC. Temporary Replacement Emissions Unit (TREU): emissions unit on site for less than six months and replacing an existing emissions unit shut down for maintenance or repair. Emissions from a TREU cannot exceed emissions from the existing emissions unit. An emissions unit not removed within 180 days is not a TREU.

DD. Volatile Organic Compound (VOC): any compound containing at least one atom of carbon except for exempt compounds listed in Rule 102, Subsection L.

III. Requirements

A. Best Available Control Technology:

1. An applicant shall provide Best Available Control Technology for all affected pollutants expected to be emitted from a new emissions unit and for all affected pollutants expected to increase from a modified existing emissions unit.

2. Exemptions:

BACT shall not be required for:

a. A new emissions unit or modification of an existing emissions unit for carbon monoxide in attainment areas (compliance with applicable PSD requirements is necessary);

b. A cargo carrier;

c. A new emissions unit or modification of an existing emissions unit if such installation or modification is solely for the purpose of effecting compliance with District, state, or federal air pollution control laws, regulations, or orders, as approved by the Control Officer, provided there is no increase in potential to emit. This exemption only applies to the affected pollutant regulated by the applicable prohibitory rule, unless the prohibitory rule specifically exempts emissions of other affected pollutants from Rule 210.1 requirements;

d. A new emissions unit or modification of an existing emissions unit resulting in a voluntary reduction in emissions for the sole purpose of generating emission reduction credits. This exemption applies only to the pollutant qualifying for emission reduction credits;

e. Temporary replacement emissions units;

f. Modifications solely consisting of administrative changes to the permit, including changes to continuous emissions monitoring components, instruments, or replacement of components of an emission unit which have no effect on the quantity of affected pollutants emitted from an emission unit; and

g. Portable internal combustion engines used by the Department of Defense or National Guard exclusively for military tactical support or other federal emergency purposes.

B. Offsets:

1. An applicant shall provide offsets as set forth in Subsections III.B.3., III.B.4., III.B.5., and III.B.6.

2. Exemptions:

Offsets shall not be required for:

a. Emergency equipment not operated more than 200 hours per year (excluding routine maintenance/service startups), as approved by the Control Officer. To qualify for exemption, an emergency electrical generator cannot be operated as art of any utility voluntary reduction program. A source with equipment exempted by this provision shall log hours of operation monthly and submit yearly hours of operation demonstrating qualification for continued exemption prior to permit renewal;

b. Relocation of an emissions unit with a valid Permit to Operate, not operated more than 45 days at any one location in the District within a 12-month period, and not used as a replacement of a emissions unit operated more than 45 days at any one stationary source within a 12 month period. The owner or operator of equipment exempted by this provision shall maintain records of dates of operation at each stationary source to demonstrate qualification for continued exemption;

c. Transfer of location within the District of an existing stationary source with valid Permits to Operate to a new location provided the:

1) transferred equipment would not constitute an addition to an existing stationary source:

2) no change in offset ratio would occur if the source previously required offsets;

3) the permitted emission of any affected pollutant will not be greater at the new location; and

4) there will be no adverse public health impact created.

d. Installation of a new emissions unit or modification of an existing emissions unit if such installation or modification is solely for the purpose of effecting compliance with District, state, or federal air pollution control laws, regulations, or orders, as approved by the Control Officer, provided there is no increase in potential to emit. This exemption applies only to the affected pollutant regulated by the applicable prohibitory rule unless the prohibitory rule specifically exempts emissions of other affected pollutants from Rule 210.1 requirements;

e. Modifications solely consisting of administrative changes to a permit, including changes to continuous emissions monitoring components, instruments, or replacement of components of an emission unit having no effect on the quantity of pollutants emitted;

f. Notwithstanding provisions of Subsection III.B.2., the Control Officer shall not grant exemption from offsets for any emissions increases interfering with implementation of the latest adopted Air Quality Attainment Plan.

3. For PM_{10}, SOx, NOx, and VOC in U.S. EPA and/or CARB designated PM_{10}, SOx, NOx, or Ozone nonattainment areas:

a. A new or modified stationary source of PM_{10} or SOx shall provide offsets for the NSR balance when the NSR balance, calculated pursuant to Subsection IV.D. equals or exceeds the following offset trigger levels; and a new or modified stationary source of NOx and VOC shall provide offsets for the source's potential to emit when the source's potential to emit calculated pursuant to Subsection IV.E. equals or exceeds the following offset trigger levels:

PM_{10} . . . . . 15 tons/yr

SOx (as SO_2) . . . . . 27 tons/yr

VOC . . . . . 25 tons/yr

NOx (as NO_2) . . . . . 25 tons/yr

After a stationary sources NSR balance and/or stationary source potential to emit equals or exceeds these trigger levels and offsets have been provided fully offsetting the NSR balance or the stationary source potential to emit, any additional future increase shall be offset.

b. PM_{10} emissions from a stationary source in existence before August 22, 1989, shall be recalculated from total suspended particulate emissions increases and decreases occurring since the baseline date using appropriate PM_{10} emission factors. If appropriate factors do not exist, PM_{10} shall be assumed to be 50% by weight of total suspended particulate matter.

4. Quantity of Offsets:

a. A new or modified stationary source subject to offset requirements shall provide actual emission reductions calculated on an annual basis, and multiplied by the appropriate offset ratio. All emissions associated with cargo carriers and secondary emissions shall also be offset when offset trigger levels set forth in Subsection III.B.3. are equaled or exceeded (not including cargo carrier or secondary emissions). The quantity of offsets shall be established on an annual basis using Subsection IV.F.

b. All banked emission reductions used to provide offsets shall have been accounted for in the District's most recent air quality attainment plan emission inventory (except out-of-district offsets).

5. Offset Ratios:

A new or modified stationary source subject to offset requirements of Subsection III.B.3. shall provide offsets by providing actual emission reductions in accordance with the following ratios:

~~Location of Emission Offset~~	~~Volatile Organic compounds or Nitrogen Oxides~~	~~Sulfur Oxides or PM_{10}~~
~~For major stationary sources or major modifications~~	~~Emission Offset Ratio:~~	
~~Same Source~~	~~1.3 to 1.0~~	~~1.0 to 1.0~~
~~Within 15-mile radius and within the District~~	~~1.3 to 1.0~~	~~1.2 to 1.0~~
~~Greater than 15-mile but within 50-mile radius and within the District~~	~~2.0 to 1.0~~	~~2.0 to 1.0~~
~~More than 50-mile radius~~	~~Greater than 3.0 to 1.0~~	~~Greater than 3.0 to 1.0~~

~~**For non-major stationary sources or non-major modifications**~~

~~Same Source~~	~~1.0 to 1.0~~	~~1.0 to 1.0~~
~~Within 15-mile radius and within the District~~	~~1.2 to 1.0~~	~~1.2 to 1.0~~
~~Greater than 15-mile but within 50-mile radius and within the District~~	~~2.0 to 1.0~~	~~2.0 to 1.0~~
~~More than 50-mile radius~~	~~Greater than 3.0 to 1.0~~	~~Greater than 3.0 to 1.0~~

Location of Emission Offset	***Emission Offset Ratio***
From mobile sources within District	*1.0 to 1.0*
Within the Mojave Desert Air Basin	*1.2 to 1.0*
From another air basin	*That necessary to provide "Reasonable Further Progress" (see 40 CFR, Part 51, Appendix S), but not less than 1.2 to 1.0*

Note: If interpollutant offsets are utilized, appropriate additional ratios apply.

6. Offsets Criteria:

   Offsets provided to satisfy this Rule shall meet the following criteria:

   a. Source shutdowns, or permanent curtailments in production or operating hours of a source can be used as offsets for emissions from a new or modified source, provided the associated Emissions Reduction Credit (ERC) (or the emissions from which the ERC is derived) has been accounted for in the appropriate U.S. EPA-approved Attainment Plan.

   b. Offsets located in another district may be used only if the Control Officer has reviewed the banking certificate(s) and associated permit(s) and has verified these documents meet requirements of this Rule and Section 40709.6 of the California Health and Safety Code.

   c. Interpollutant offsets may be approved by the Control Officer with written CARB and U.S. EPA concurrence on a case-by-case basis provided the applicant

demonstrates, with appropriate modeling in accordance with provisions of Subsection III.C.3., emissions increases from the new or modified source will not cause or contribute to a violation of an ambient air quality standard. Compounds exempted by Rule 102 (Definitions), Subsection L shall not be used as offsets for volatile organic compounds. Interpollutant offsets between PM_{10} and PM_{10} precursors may be allowed. PM_{10} shall not be allowed to offset nitrogen oxide or volatile organic compound emissions.

d. Offsets for new or modified seasonal sources shall be provided as for nonseasonal sources. Offsets for seasonal sources shall occur during corresponding periods of source operation.

C. Additional Requirements:

1. Alternative siting:

For sources requiring an analysis of alternative sites, sizes, and production processes and environmental control techniques, pursuant to Section 173 of the Federal Clean Air Act, the applicant shall prepare an analysis functionally equivalent to requirements of Division 13, Section 21000 et. seq. of the Public Resources Code.

2. Any new major source or major modification shall be subject to review of its impact on visibility in any mandatory Class I area in accordance with 40 CFR 51.307(b)(2).

3. Modeling:

a. Emissions from a new or modified stationary source shall not make worse an exceedance of an ambient air quality standard. In making this determination the Control Officer shall take into account increases in cargo carrier and secondary emissions and offsets provided pursuant to this Rule. Modeling used for the purposes of this Rule shall be consistent with requirements of the most recent edition of U.S. EPA's "Guideline on Air Quality Models" unless the Control Officer finds such models are inappropriate for use. After making such finding, the Control Officer may designate an alternative model only after public comment and written concurrence of CARB, and U.S. EPA.

b. A new or modified stationary source shall be exempt from provisions of Subsection a., above, provided:

1) offsets have been provided for all increases in potential to emit including fugitive, cargo carrier, and secondary emissions; or

2) the emissions unit is not subject to noticing requirements of Subsection V.A.3.

4. Compliance Certification:

The owner or operator of a proposed new major source or major modification shall certify in writing all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in California, and subject to emission limitations, are in compliance or on a schedule for compliance with all applicable emission limitations and standards.

IV. Emissions Calculations

A. Terms:

The following terms are used in this subsection and are defined as follows:

HAE = Historic Actual Emissions. Historic actual emissions are emissions having actually occurred based on source tests, calculated using actual fuel consumption or process weight, recognized emissions factors, or other data approved by the Control Officer and most accurately representing emissions during the baseline period. Historic Actual Emissions shall be discounted for any emissions reduction which is:

1. required or encumbered by any law, rule, regulation, agreement, or order;
2. attributed to a rule noticed for workshop, or proposed or contained in the state implementation plan; or
3. attributed to a control measure appearing in an adopted District Air Quality Attainment Plan.

Emissions reductions disallowed by items 2 and 3, above, may be re-eligible as actual emissions reductions if:

1. for rules not identified as control measures in a District Air Quality Attainment Plan or State Implementation Plan, no rule has been adopted within two years from the date of the last public workshop notice; or
2. for control measures identified in a District Air Quality Attainment Plan or State Implementation Plan, no rule has been adopted within two years from the scheduled adoption date, provided the Control Officer has not extended the scheduled adoption date.

PEPM = Potential to Emit from an emissions unit Prior to Modification.

PE = Potential to Emit from a new or modified emissions unit.

CE = Control Efficiency of air pollution control technology. Any control efficiency requirement shall be incorporated in the Authority to Construct and Permit to Operate by means of federally-enforceable condition(s). Reductions due to lowering of throughput rates or operating hours shall not be considered in determining control efficiency. For the same emissions unit, the CE used in Subsection IV.B. shall also be used in Subsection IV.C.

AER = Actual Emissions Reduction. An actual emissions reduction may be used to offset contemporaneous onsite increases in potential to emit, or banked pursuant to Rule 210.3 for future onsite, or offsite offsets.

IPE = Increase in potential to emit (Permitted Emissions). An increase in potential to emit of a nonattainment air contaminant (or precursor) subject to Subsection III.B.3. shall be offset by actual emissions reductions.

HPE = Historic Potential to Emit.

DEL = Daily Emissions Limitation (defined in Subsection II.K.)

SSPE = Stationary Source Potential to Emit.

B. Calculating Increases in Potential to Emit:

Increases in potential to emit are always "positive"; any "increase" which is negative shall be set to zero.

1. Functionally-Identical Replacement:

   IPE = PE (for replacement unit) - HPE (for unit being replaced);

2. New Emissions Unit:

   IPE = PE (for the new emissions unit);

3. Modification of an existing emissions unit:

   IPE = PE (for modified unit) - HPE (for modified unit prior to modification).

C. Calculating Actual Emission Reductions:

Actual emissions reductions are always positive, any "reduction" which is negative shall be set to zero.

1. Reduction in operating hours and/or throughput rates:

   AER = (HAE - PE);

2. Shutdown of an emissions unit:

   AER = HAE (for the unit prior to shutdown);

3. Installation of a control device, implementation of a more efficient process or material, or use of a lower emitting fuel:

   AER = HAE $[(1\text{-}CE_{BEFORE})\text{-}(1\text{-}CE_{AFTER})]$.

   Actual emission reductions calculated pursuant to Subsections IV.C. can be used to offset onsite increases in potential to emit (IPE), banked for future onsite offsets, or transferred to other entities, pursuant to the requirements of this Rule and the District's Banking Rule, Rule 210.3. Onsite actual emissions reductions used to offset contemporaneous onsite increases in potential to emit (IPE) are not required to obtain emission reduction credit banking certificates, but must satisfy requirements of Rule 210.3.

D. Calculating New Source Review (NSR) Balances for PM_{10} and SOx:

Stationary source NSR Balances shall be calculated separately for each pollutant. A stationary source's NSR Balance cannot be greater than the stationary source's potential to emit, including any banked emission credits or less than zero. NSR Balances shall be calculated as follows:

1. Effective August 19, 1991 the Control Officer shall set an NSR balance equal to the stationary source cumulative net emissions change for all applications deemed complete after the baseline date and prior to August 19, 1991. Emissions changes (increases and decreases) shall be those quantified by KCAPCD for each affected Authority to Construct or application. If the existing cumulative net emissions change is less than zero, the NSR balance shall be set to zero; historic actual emission reductions may be bankable subject to requirements of Rule 210.3. For emission units added, modified, or shutdown after August 19, 1991, adjustments made to an NSR balance shall be made pursuant to Subsections IV.D.2. and IV.D.3 of this Rule.

2. Each stationary source PM_{10} and SOx NSR Balance shall be the sum of:

   a. Positive cumulative net emissions changes as of August 19, 1991;

   b. Potential to emit for all emissions units with applications deemed complete after August 19, 1991, as authorized by the latest Permit to Operate, or based on a

valid Authority to Construct. If more than one valid Authority to Construct exists for the same emissions unit, the Permit to Operate or Authority to Construct with highest potential to emit shall be used;

c. All increases in potential to emit authorized by valid or implemented Authorities to Construct for emissions units in existence prior to August 19, 1991 and modified after August 19, 1991;

d. Banked emissions to the extent these reductions have been included in the NSR Balance pursuant to Subsection IV.D.3.a.; and

e. Potential to emit for cargo carriers and secondary source operation associated with major sources or major modifications if the NSR Balance equals or exceeds an offset trigger level set forth in Subsection III.B.3.

3. The following shall be subtracted when determining a stationary source NSR Balance:

a. Actual emission reductions authorized by implemented Authorities to Construct for source operations in existence prior to August 19, 1991 and modified or shutdown after August 19, 1991, but only if the stationary source was originally charged with a positive emission change pursuant to Subsection IV.D.2.c.;

b. Banked emission reduction credits, representing onsite emission reductions from the stationary source, voluntarily surrendered to the District;

c. Potential to emit for emissions units included in the NSR balance for each expired or canceled Authority to Construct or Permit to Operate, provided emissions reduction credits have not been obtained pursuant to Rule 210.3;

d. Actual emission reductions represented by Authority to Construct provided historical actual emission reduction credits have not been obtained pursuant to Rule 210.3; and

e. Potential to emit for each valid Authority to Construct or Permit to Operate for source operations exempt from offsets by Subsection III.B.2. to the extent these were included in NSR Balance in Section IV.D.2.

E. Calculating Stationary Source Potential to Emit for NOx and VOC:

1. Each stationary source NOx and VOC potential to emit shall be the sum of the following:

a. Potential to emit for all source operations based upon current Permits to Operate and Authorities to Construct. If specific conditions contained in an Authority

to Construct or the Permit to Operate restrict emissions, these limitations shall be used to calculate potential to emit.

b. Increases in potential to emit authorized by valid Authorities to Construct for the stationary source in effect on June 8, 1992 and issued since;

c. Banked emission reduction credits for actual emission reductions which have occurred at the source; and

d. Cargo carrier and secondary source emissions associated with major sources or major modifications, if the stationary source potential to emit exceeds a trigger level set forth in Subsection III.B.3.

2. The following shall be subtracted when determining a stationary source potential to emit:

a. Potential to emit for each expired or canceled Authority to Construct or Permit to Operate, provided emission reduction credits have not been applied for pursuant to Rule 210.3;

b. Actual emission reductions provided emission reduction credits have not been obtained pursuant to Rule 210.3;

c. Banked emission reduction credits, representing onsite emission reductions from the stationary source voluntarily surrendered to the District; and

d. Potential to emit for each valid Authority to Construct or Permit to Operate for source operations exempt from offsets by Subsection III.B.2.

F. Calculating Offset Requirements:

When offsets are triggered pursuant to Subsection III.B.3., the quantity of offsets shall be determined as follows:

1. If the NSR balance or the stationary source potential to emit equals or exceeds an offset trigger level in Section III.B.3.,

for PM_{10} or SOx:

Offset = NSR Balance x Offset Ratio;

for NOx or VOC:

Offset =SSPE x Offset Ratio.

2. If the stationary source equals or exceeds a trigger level due to a KCAPCD rule change, e.g. loss of permit exemption or change in offset trigger level,

   for PM_{10} or SOx:

   Offset = [NSR Balance (post project) - NSR Balance (immediately prior to rule change)] x Offset Ratio;

   for NOx or VOC lesser of:

   a. IPE x Offset Ratio, or

   b. (SSPE - Offset Trigger Level) x Offset Ratio

3. If the stationary source has previously offset the entire NSR balance or stationary source potential to emit,

   for PM_{10}, SOx, NOx, or VOC:

   Offset = Increase in Permitted Emissions x Offset Ratio.

V. Administrative Requirements

A. New and Modified Emissions Units: Administrative requirements of this section shall apply to all applications for new or modified emissions units except for power plant applications of over 50 megawatts. For such power plants the administrative requirements of Subsection V.B. shall apply.

1. Complete Application:

   The Control Officer shall determine whether an application is complete not later than 30 days after receipt. If the Control Officer determines the application is not complete, the applicant shall receive written notification of this decision and a request for the information required. Upon receipt of additional information, a new 30-day period shall begin. Completeness of an application shall be determined on the basis of the District's "List and Criteria" (see Page L&C-1) in effect on the date the application or additional information is received. Upon determination the application is complete, the Control Officer shall notify the applicant in writing. The Control Officer may, during application processing, request an applicant to clarify, amplify, correct, or otherwise supplement information submitted in the application.

2. Preliminary Decision:

Following acceptance of an application as complete, the Control Officer shall perform the analysis necessary to determine compliance with this Rule and make a preliminary written decision to approve (or deny) the Authority to Construct. The Control Officer shall deny any application for Authority to Construct if the Control Officer finds the proposal will not comply with the standards set forth in this Rule or any other District Rule. The decision shall be supported by a succinct, written analysis.

3. Notification and Publication of Preliminary Decision to Approve:

a. Requirements of the following Subsections (V.A.3.b. through V.A.3.d.) do not apply unless:

1) the application represents an emission increase resulting in a stationary source NSR balance stationary source potential to emit exceeding offset trigger levels of Subsection III.B.3.; and

2) emissions offsets from a different stationary source will be provided.

b. Within 10 calendar days following a preliminary decision to approve, the Control Officer shall publish in at least one newspaper of general circulation in the District a notice stating the preliminary decision of the Control Officer, noting how pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication.

c. The Control Officer shall transmit to the applicant his preliminary written decision to approve and a copy of the notice submitted for publication, no later than the date of publication.

d. The Control Officer shall transmit to the California Air Resources Board and the U.S. EPA, and to any person requesting such information his preliminary written decision, analysis, and a copy of the notice submitted for publication, no later than the date of publication.

4. Public Inspection of Preliminary Decision Documents:

No later than the publication date of the notice of preliminary decision, the Control Officer shall make available for public inspection at the District Office information submitted by the applicant, and the Control Officer's analysis. Trade secrets shall be processed in accordance with Rule 103 of these Rules and Regulations, Section 6254.7 of the Government Code, and relevant sections of the California Administrative Code.

5. Final Action:

   Within 180 days after acceptance of an application as complete, or within 180 days after the lead agency has approved the project under the California Environmental Quality Act, whichever occurs later, the Control Officer shall take final action on the application after considering all written comments.

6. Notification and Publication of Final Action:

   The Control Officer shall provide written notice of the final action to the applicant, the U.S.EPA, and the California Air Resources Board, and shall publish such notice in a newspaper of general circulation in the District. An application not subject to the Notification and Publication of Preliminary Decision requirements shall not be subject to the Notification and Publication of Final Action requirements of this section. In such case the applicant shall receive notification as provided in Rule 206.

7. Public Inspection of Final Action Documents:

   No later than the publication date of the notice of final action the Control Officer shall make available for public inspection at the District office a copy of the notice submitted for publication and all supporting documents. Information submitted containing trade secrets shall be processed in accordance with Rule 103, Section 6254.7 of the Government Code, and relevant sections of the California Administrative Code.

8. Public Notice, Schools:

   Prior to approving any application for an Authority to Construct a new or modified source expected to emit any substance on the list required to be prepared pursuant to Section 44321 of the California Health and Safety code and located within 1000 feet of the outer boundary of a school, the Control Officer shall:

   a. Prepare a public notice fully describing the proposed new or modified source and proposed emissions, and

   b. Distribute such notice at the expense of the applicant to parents of children attending any school within one-quarter mile of the source and to each address within a radius of 1000 feet of the proposed new or modified source at least 30 days prior to the date final action on the application is to be taken by the Control Officer. The Control Officer shall review and consider all comments received during the 30 days after the notice is distributed, and shall include written responses to such comments in the permit application file prior to approving the application.

9. Authority to Construct - General Conditions:

   a. an Authority to Construct shall not be issued unless the new or modified source complies with provisions of this Rule and all other applicable District Rules and Regulations;

   b. an Authority to Construct shall require the new or modified source to be built according to specifications and plans contained in the application;

   c. an Authority to Construct shall include all federally-enforceable conditions necessary to assure construction and operation in the manner assumed in the District's analysis to determine compliance with this Rule; and

   d. an Authority to Construct shall include all federally-enforceable conditions necessary to insure fulfillment of offset requirements.

10. Permit to Operate - General Conditions:

   a. a Permit to Operate shall require the new source or modification to be operated in the manner assumed in the District's analysis to determine compliance with this Rule and as conditioned in the Authority to Construct;

   b. a Permit to Operate shall include daily emissions limitation(s), annual emission limits, and other federally-enforceable conditions reflecting applicable emission limits, including offset requirements;

   c. the Control Officer shall verify all conditions specified in the Authority to Construct have been satisfied prior to issuance of the Permit to Operate; and

   d. a Permit to Operate shall conform to applicable requirements of Title V of the 1990 Federal Clean Air Act Amendments.

11. Permit to Operate - Offset Conditions:

   a. as a condition for issuance of a Permit to Operate, any source providing offsets shall be subject to federally-enforceable permit conditions containing specific operational and emissions limitations, ensuring emissions reductions will be provided in accordance with provisions of this Rule and will continue for the reasonably expected life of the proposed source. Where the Control Officer is prohibited from issuing a Permit to Operate to the source of offsets, a written contract shall be required between the applicant and the owner or operator of such source, which contract, by its terms, shall be enforceable by the Control Officer. The permit and contract shall be submitted to the California Air Resources Board to be forwarded to the U.S. EPA as part of the State Implementation Plan. A violation of the emission limitation provisions of any

such contract shall be grounds for permit revocation.

b. offsets required as a condition of an Authority to Construct or a Permit to Operate shall commence not later than the date of initial operation of the new or modified source.

B. Electrical Power Plants Over 50 Megawatts:

All power plants over 50 megawatts proposed to be constructed in the District and for which a Notice of Intention of Application for Certification has been accepted by the California Energy Commission (CEC) shall comply with applicable state law, this Rule, and CEC regulations.

Rule 210.1 New and Modified Stationary Source Review (NSR) - Adopted 3/19/74, Amended 12/28/76, 4/25/78, 5/16/78, 1/9/79, 6/29/79, 9/12/79, 4/5/82, 4/25/83, 8/27/84, 9/16/85, 11/18/85, 6/16/86, 6/1/87, 7/11/88, 8/22/89, 8/21/90, 8/19/91,6/8/92, 7/11/96, 5/6/99, 5/4/00

TABLE OF CONTENTS

I. Purposes and Applicability

A. Rule Purposes: The purposes of this Rule are to:

1. Provide for preconstruction review of new and modified stationary sources of affected pollutants to insure emissions will not interfere with attainment of ambient air quality standards;

2. Insure appropriate new and modified sources of affected pollutants are constructed with Best Available Control Technology; and

3. Provide for no significant net increase in emissions from new and modified stationary sources for all non-attainment pollutants and their precursors.

B. Applicability:

This Rule shall apply to all new stationary sources and all modifications to existing stationary sources subject to Rule 201 (Permits Required).

II. Definitions

A. Actual Emissions: measured or estimated emissions most accurately representing emissions from an emissions unit.

B. Actual Emissions Reductions: reductions of actual emissions from an emissions unit selected to provide emissions offsets or reductions to be banked. Actual emissions reductions shall be calculated pursuant to Subsection IV.C. and shall be real, enforceable, quantifiable, and permanent, and surplus:

C. Affected Pollutants: air contaminants for which there are ambient air quality standards.

D. Ambient Air Quality Standards: State and National Ambient Air Quality Standards. (For inclusion of this Rule in the State Implementation Plan, all references to ambient air quality standards shall be interpreted as National Ambient Air Quality Standards.)

E. Baseline Date: December 28, 1976.

F. Baseline Period:

1. Three consecutive years of operation immediately prior to submission of the complete application;

2. Another time period of at least three consecutive years within five years prior to submission of the complete application and determined by the Control Officer to be more representative of normal operation; or

3. Shorter period of at least one year if the stationary source has not been in operation for three years provided this represents the full operating history of the stationary source. Emissions units which have operated for less than one year shall have no baseline period for determining actual emission reductions and emissions reductions credits shall be limited to any actual emissions reductions provided to obtain the emissions unit's Authority to Construct.

G. Best Available Control Technology: the most stringent emission limitation or control technique of the following:

1. That achieved in practice for such emissions unit and class of source;

2. That contained in any State Implementation Plan approved by U.S. EPA for such emissions unit category and class of source. A specific limitation or control technique shall not apply if the owner or operator of the proposed emissions unit demonstrates to satisfaction of the Control Officer such limitation or control technique is not currently achievable; or

3. Any other emission limitation, control device, alternate basic equipment, or different fuel or process found by the Control Officer to be technologically feasible for such class or category of source or for a specific source, and cost effective as determined by official District policy.

Best Available Control Technology shall not be determined to be less stringent than the emission control required by any applicable provision of local, state, or federal, law or regulation unless the applicant demonstrates to the Control Officer such limitations are not achievable. Application of Best Available Control Technology shall not result in the emission of any pollutant exceeding emissions allowed by any applicable New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants.

H. Cargo Carrier: train dedicated to supplying raw materials, or conveying finished products for a specific stationary source.

I. Complete Application: application for Authority to Construct a new or modified emissions unit reviewed and found to conform to the List and Criteria (see Page L&C-1 of these Rules and Regulations) adopted by the District Board pursuant to Article 3, Sections 65940 through 65944 of Chapter 4.5 of Division 1 of Title 7 of the California Government Code, as that list exists on the date the application is received.

J. Contiguous Property or Adjacent Property: property consisting of two or more parcels of land with a common point or boundary, or separated solely by a public roadway or other public right-of-way.

K. Daily Emissions Limitation: one or a combination of permit conditions specific to an emissions unit restricting its maximum daily emissions, in pounds per day, at or below maximum design capacity emissions. A daily emissions limitation shall be:

1. Contained in the newest applicable Authority to Construct and contained in or enforceable by the newest Permit to Operate for the emissions unit;

2. Enforceable on a daily basis; and

3. Established pursuant to a permitting action subject to this Rule occurring after the Baseline Date and used in calculation of the NSR Balance or increases in potential to emit.

L. Emissions Unit: identifiable source operation or piece of process equipment, such as an article, machine, or other contrivance, which emits, may emit, or results in the emission of any affected pollutant directly, or as fugitive emissions.

M. Federally-Enforceable: all limitations and conditions enforceable by the U.S. EPA Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within any applicable State Implementation Plan, any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I, including operating permits issued under an U.S EPA-approved program incorporated into the State Implementation Plan which expressly require adherence to any permit issued under such program.

N. Fugitive Emission: emission which could not reasonably pass through a stack, chimney, vent, or other functionally-identical opening.

O. Functionally-Identical Replacement: routine maintenance, repair, replacement or modification of an emissions unit where:

1. The replacement unit performs an identical function as the unit being replaced;

2. Maximum rating of the replacement unit is not greater than the unit replaced;

3. Potential to emit of the replacement unit will not be greater than the replaced emissions unit when both are operated at the same permit conditions; and

4. The replacement unit has the same or greater degree of control for each pollutant as the unit being replaced.

P. Historical Potential To Emit: emissions based on potential to emit of an emissions unit prior to modification. In determining historic potential to emit, emissions limitations shall be treated as part of an emissions unit's design only if such limitations are representative of normal operations or if emission offsets were provided from a previous permitting action. For purposes of the above determination, "normal operations" is defined as the usual or typical operation of an emissions unit resulting in actual emissions which are at least 80% of specific limits contained in the emissions unit's Authority to Construct or Permit to Operate. If there are no such enforceable limiting conditions, an emissions unit's potential to emit shall be the unit's historical actual emissions. For a new emissions unit, there are no historical potential emissions.

Q. Identical Replacement: total or partial replacement of an emissions unit where the replacement unit is the same as the original emissions unit in all respects except for serial number.

R. Major Modification: modification of a major stationary source resulting in an increase in potential emissions of more than 100 tons per year of CO, 40 tons per year of SOx (as SO_2), 25 tons per year of NOx, 25 tons per year of volatile organic compounds, or 15 tons per year of PM_{10}, when aggregated with all other creditable decreases and increases in emissions from the stationary source during the last 5 consecutive calendar years, including the calendar year the modification occurred.

S. Major Stationary Source: stationary source with potential to emit 50 tons or more per year of any affected pollutant.

T. Modification:

1. A modification shall include the following:

   a. Construction/installation of a new emissions unit;

   b. Any change in hours of operation, change in production rate, or change in method of operation of an existing emissions unit necessitating a change in permit conditions;

   c. Any physical change, or addition to an existing emissions unit. Routine maintenance or repair shall not be considered a physical change; or

   d. An increase in emissions from an emissions unit caused by modification of the stationary source when the emissions unit is not subject to a daily emissions limitation.

2. Unless previously limited by a permit condition, the following shall not be considered modifications and shall not be subject to provisions of this Rule:

a. Construction of an identical replacement, or at a non-major stationary source, a functionally-identical replacement provided the Control Officer determines there is no increase in maximum rating, and potential to emit any affected pollutant will not be greater from the new emissions unit than from the replaced emissions unit. An exemption for a functionally identical replacement shall be requested and obtained in writing;

b. Change of ownership of an existing emissions unit with a valid Permit to Operate; and

c. Transfer of location of an emissions unit with a valid Permit to Operate and within a stationary source.

3. A reconstructed stationary source shall be considered a new stationary source, not a modification.

U. Nonattainment Pollutant: any pollutant for which an ambient air quality standard was exceeded within the District more than three discontinuous times (or, for annual standards, more than one time) within the three years immediately preceding the date an application for the Authority to Construct is filed, or which has been designated "nonattainment" pursuant to final rule-making by the U.S. EPA (and published in the Federal Register), or which has been designated nonattainment by the California Air Resources Board pursuant to Section 39607 of the California Health and Safety Code. Any pollutant which is a precursor to a nonattainment pollutant shall be considered a nonattainment pollutant.

V. Potential to Emit: maximum capacity of an emissions unit to emit a pollutant under its physical and operational design limitations. Any physical or operational limitation on the capacity of the source to emit a pollutant, including pollution control equipment and restrictions in hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is incorporated into the applicable permit as an enforceable permit condition. Potential to emit shall include directly-emitted fugitive emissions.

W. PM_{10}: particulate matter with an aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by an applicable reference test method (or methods) found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with Section 94100).

X. Precursor: directly emitted air contaminant that, when in the atmosphere, forms, causes to be formed, or contributes to formation of a secondary air contaminant for which an ambient air quality standard exists, or whose presence in the atmosphere will contribute to exceedance of one or more ambient air quality standards.

The following precursor-secondary air contaminant relationships shall be used for purposes of this Rule:

Precursor	Secondary Air Contaminant
Volatile Organic Compounds (VOC's)	a. Ozone b. Organic fraction of PM_{10}
Nitrogen Oxides (NOx)	a. Nitrogen dioxide b. Ozone c. Nitrate fraction of PM_{10}
Sulfur Oxides (SOx)	a. Sulfur dioxide b. Sulfates c. Sulfate fraction of PM_{10}

Y. Reconstructed Source: any stationary source undergoing reconstruction if fixed capital cost of the new components exceeds 50 percent of fixed capital cost of a comparable, entirely new stationary source. Fixed capital cost is capital needed to provide all depreciable components. A reconstructed stationary source shall be considered a new stationary source, not a modification.

Z. Seasonal Source: any stationary source having more than 90 percent of its annual emissions occurring within a consecutive 120-day period.

AA. Secondary Emissions: emissions resulting from construction or operation of a major stationary source or major modification, but not emitted by the major stationary source, or major modification itself. For purposes of this Rule, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the major stationary source or major modification causing the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of construction or operation of the major stationary source or major modification. Exhaust emissions from vehicles registered for use on highways shall not be considered secondary emissions.

BB. Stationary Source: any structure, building, facility, or installation which emits or may emit any affected pollutant directly, or as a fugitive emission. "Structure, building, facility or installation" includes all pollutant emitting activities, including emissions units:

1. Located on one or more contiguous or adjacent properties;

2. Under the same or common ownership or entitlement to use, or owned or operated

by entities under common control; and

3. Belonging to the same industry either by being within the same two-digit Standard Industrial Classification Code; or

4. By being part of a common industrial process, manufacturing process, or connected process involving a common raw material.

CC. Temporary Replacement Emissions Unit (TREU): emissions unit on site for less than six months and replacing an existing emissions unit shut down for maintenance or repair. Emissions from a TREU cannot exceed emissions from the existing emissions unit. An emissions unit not removed within 180 days is not a TREU.

DD. Volatile Organic Compound (VOC): any compound containing at least one atom of carbon except for exempt compounds listed in Rule 102, Subsection L.

III. Requirements

A. Best Available Control Technology:

1. An applicant shall provide Best Available Control Technology for all affected pollutants expected to be emitted from a new emissions unit and for all affected pollutants expected to increase from a modified existing emissions unit.

2. Exemptions:

BACT shall not be required for:

a. A new emissions unit or modification of an existing emissions unit for carbon monoxide in attainment areas (compliance with applicable PSD requirements is necessary);

b. A cargo carrier;

c. A new emissions unit or modification of an existing emissions unit if such installation or modification is solely for the purpose of effecting compliance with District, state, or federal air pollution control laws, regulations, or orders, as approved by the Control Officer, provided there is no increase in potential to emit. This exemption only applies to the affected pollutant regulated by the applicable prohibitory rule, unless the prohibitory rule specifically exempts emissions of other affected pollutants from Rule 210.1 requirements;

d. A new emissions unit or modification of an existing emissions unit resulting in a voluntary reduction in emissions for the sole purpose of generating

emission reduction credits. This exemption applies only to the pollutant qualifying for emission reduction credits;

e. Temporary replacement emissions units;

f. Modifications solely consisting of administrative changes to the permit, including changes to continuous emissions monitoring components, instruments, or replacement of components of an emission unit which have no effect on the quantity of affected pollutants emitted from an emission unit; and

g. Portable internal combustion engines used by the Department of Defense or National Guard exclusively for military tactical support or other federal emergency purposes.

B. Offsets:

1. An applicant shall provide offsets as set forth in Subsections III.B.3., III.B.4., III.B.5., and III.B.6.

2. Exemptions:

Offsets shall not be required for:

a. Emergency equipment not operated more than 200 hours per year (excluding routine maintenance/service startups), as approved by the Control Officer. To qualify for exemption, an emergency electrical generator cannot be operated as part of any utility voluntary reduction program. A source with equipment exempted by this provision shall log hours of operation monthly and submit yearly hours of operation demonstrating qualification for continued exemption prior to permit renewal;

b. Relocation of an emissions unit with a valid Permit to Operate, not operated more than 45 days at any one location in the District within a 12-month period, and not used as a replacement of a emissions unit operated more than 45 days at any one stationary source within a 12 month period. The owner or operator of equipment exempted by this provision shall maintain records of dates of operation at each stationary source to demonstrate qualification for continued exemption;

c. Transfer of location within the District of an existing stationary source with valid Permits to Operate to a new location provided the:

1) transferred equipment would not constitute an addition to an existing stationary source:

2) no change in offset ratio would occur if the source previously required offsets;

3) the permitted emission of any affected pollutant will not be greater at the new location; and

4) there will be no adverse public health impact created.

d. Installation of a new emissions unit or modification of an existing emissions unit if such installation or modification is solely for the purpose of effecting compliance with District, state, or federal air pollution control laws, regulations, or orders, as approved by the Control Officer, provided there is no increase in potential to emit. This exemption applies only to the affected pollutant regulated by the applicable prohibitory rule unless the prohibitory rule specifically exempts emissions of other affected pollutants from Rule 210.1 requirements;

e. Modifications solely consisting of administrative changes to a permit, including changes to continuous emissions monitoring components, instruments, or replacement of components of an emission unit having no effect on the quantity of pollutants emitted;

f. Notwithstanding provisions of Subsection III.B.2., the Control Officer shall not grant exemption from offsets for any emissions increases interfering with implementation of the latest adopted Air Quality Attainment Plan.

3. For PM_{10}, SOx, NOx, and VOC in U.S. EPA and/or CARB designated PM_{10}, SOx, NOx, or Ozone nonattainment areas:

a. A new or modified stationary source of PM_{10} or SOx shall provide offsets for the NSR balance when the NSR balance, calculated pursuant to Subsection IV.D., equals or exceeds the following offset trigger levels; and a new or modified stationary source of NOx and VOC shall provide offsets for the source's potential to emit when the source's potential to emit, calculated pursuant to Subsection IV.E., equals or exceeds the following offset trigger levels:

PM_{10}	15 tons/yr
SOx (as SO_2)	27 tons/yr
VOC	25 tons/yr
NOx (as NO_2)	25 tons/yr

After a stationary sources NSR balance and/or stationary source potential to emit equals or exceeds these trigger levels and offsets have been provided fully

offsetting the NSR balance or the stationary source potential to emit, any additional future increase shall be offset.

b. PM_{10} emissions from a stationary source in existence before August 22, 1989, shall be recalculated from total suspended particulate emissions increases and decreases occurring since the baseline date using appropriate PM_{10} emission factors. If appropriate factors do not exist, PM_{10} shall be assumed to be 50% by weight of total suspended particulate matter.

4. Quantity of Offsets:

a. A new or modified stationary source subject to offset requirements shall provide actual emission reductions, calculated on an annual basis, and multiplied by the appropriate offset ratio. All emissions associated with cargo carriers and secondary emissions shall also be offset when offset trigger levels set forth in Subsection III.B.3. are equaled or exceeded (not including cargo carrier or secondary emissions). The quantity of offsets shall be established on an annual basis using Subsection IV.F.

b. All banked emission reductions used to provide offsets, except out-of-district offsets, shall have been accounted for in the District's most recent air quality attainment plan emission inventory.

5. Offset Ratios:

A new or modified stationary source subject to offset requirements of Subsection III.B.3. shall provide offsets by providing actual emission reductions in accordance with the following ratios:

Location of Emission Offset	**Emission Offset Ratio**
From mobile sources within District	1.0 to 1.0
Within Mojave Desert Air Basin	1.2 to 1.0
From another air basin	That necessary to provide " Reasonable Further Progress," but not less than 1.2 to 1.0

Note: If interpollutant offsets are utilized, appropriate additional ratios apply.

6. Offsets Criteria:

Offsets provided to satisfy this Rule shall meet the following criteria:

a. Source shutdowns, or permanent curtailments in production or operating hours of a source can be used as offsets for emissions from a new or modified source, provided the associated Emissions Reduction Credit (ERC) (or the emissions from which the ERC is derived) has been accounted for in the appropriate U.S. EPA-approved Attainment Plan.

b. Offsets located in another district may be used only if the Control Officer has reviewed the banking certificate(s) and associated permit(s) and has verified these documents meet requirements of this Rule and Section 40709.6 of the California Health and Safety Code.

c. Interpollutant offsets may be approved by the Control Officer with written CARB and U.S. EPA concurrence on a case-by-case basis provided the applicant demonstrates, with appropriate modeling in accordance with provisions of Subsection III.C.3., emissions increases from the new or modified source will not cause or contribute to a violation of an ambient air quality standard. Compounds exempted by Rule 102 (Definitions), Subsection L shall not be used as offsets for volatile organic compounds. Interpollutant offsets between PM_{10} and PM_{10} precursors may be allowed. PM_{10} shall not be allowed to offset nitrogen oxide or volatile organic compound emissions.

d. Offsets for new or modified seasonal sources shall be provided as for nonseasonal sources. Offsets for seasonal sources shall occur during corresponding periods of source operation.

C. Additional Requirements:

1. Alternative siting:

For sources requiring an analysis of alternative sites, sizes, and production processes and environmental control techniques, pursuant to Section 173 of the Federal Clean Air Act, the applicant shall prepare an analysis functionally equivalent to requirements of Division 13, Section 21000 et. seq. of the Public Resources Code.

2. Any new major source or major modification shall be subject to review of its impact on visibility in any mandatory Class I area in accordance with 40 CFR 51.307(b)(2).

3. Modeling:

a. Emissions from a new or modified stationary source shall not make worse an exceedance of an ambient air quality standard. In making this determination the Control Officer shall take into account increases in cargo carrier and secondary emissions and offsets provided pursuant to this Rule. Modeling

used for purposes of this Rule shall be consistent with requirements of the most recent edition of U.S. EPA's "Guideline on Air Quality Models" unless the Control Officer finds such models are inappropriate for use. After making such finding, the Control Officer may designate an alternative model only after public comment and written concurrence of CARB, and U.S. EPA.

b. A new or modified stationary source shall be exempt from provisions of Subsection a., above, provided:

1) offsets have been provided for all increases in potential to emit, including fugitive, cargo carrier, and secondary emissions; or
2) the emissions unit is not subject to noticing requirements of Subsection V.A.3.

4. Compliance Certification:

The owner or operator of a proposed new major source or major modification shall certify in writing all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in California, and subject to emission limitations, are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards.

IV. Emissions Calculations

A. Terms:

The following terms are used in this subsection and are defined as follows:

HAE = Historical Actual Emissions. Historical actual emissions are emissions having actually occurred based on source tests, calculated using actual fuel consumption or process weight, recognized emissions factors, or other data approved by the Control Officer and most accurately representing emissions during the baseline period. Historical Actual Emissions shall be discounted for any emissions reduction which is:

1. required or encumbered by any law, rule, regulation, agreement, or order;
2. attributed to a rule noticed for workshop, or proposed (or contained) in the state implementation plan; or
3. attributed to a control measure appearing in an adopted District Air Quality Attainment Plan.

Emissions reductions disallowed by items 2 and 3, above, may be re-eligible as actual emissions reductions if:

1. for rules not identified as control measures in a District Air Quality Attainment Plan or State Implementation Plan, no rule has been adopted within two years from the date of the last public workshop notice; or
2. for control measures identified in a District Air Quality Attainment Plan or State Implementation Plan, no rule has been adopted within two years from the scheduled adoption date, provided the Control Officer has not extended the scheduled adoption date.

PEPM = Potential to Emit for an emissions unit Prior to Modification.

PE = Potential to Emit for a new or modified emissions unit.

CE = Control Efficiency of air pollution control technology. Any control efficiency requirement shall be incorporated in the Authority to Construct and Permit to Operate by means of federally-enforceable condition(s). Reductions due to lowering of throughput rates or operating hours shall not be considered in determining control efficiency. For the same emissions unit, CE used in Subsection IV.B. shall also be used in Subsection IV.C.

AER = Actual Emissions Reduction. An actual emissions reduction may be used to offset contemporaneous onsite increases in potential to emit, or banked pursuant to Rule 210.3 for future onsite, or offsite offsets.

IPE = Increase in potential to emit. An increase in potential to emit of a nonattainment air contaminant (or precursor) subject to Subsection III.B.3. shall be offset by actual emissions reductions.

HPE = Historical Potential to Emit.

DEL = Daily Emissions Limitation (defined in Subsection II.K.)

SSPE = Stationary Source Potential to Emit.

B. Calculating Increases in Potential to Emit:

Increases in potential to emit are always "positive"; any "increase" which is negative shall be set to zero.

1. Functionally-Identical Replacement:

   IPE = PE (for replacement unit) - HPE (for unit being replaced);

2. New Emissions Unit:

   IPE = PE (for new unit);

3. Modification of an existing emissions unit:

   IPE = PE (for modified unit) - HPE (for unit prior to modification).

C. Calculating Actual Emission Reductions:

Actual emissions reductions are always positive, any "reduction" which is negative shall be set to zero.

1. Reduction in operating hours and/or throughput rates:

   AER = (HAE - PE);

2. Shutdown of an emissions unit:

   AER = HAE (for the unit prior to shutdown);

3. Installation of control device, implementation of more efficient process or material, or use of lower emitting fuel:

   AER = HAE $[(1\text{-}CE_{BEFORE})\text{-}(1\text{-}CE_{AFTER})]$.

Actual emission reductions calculated pursuant to Subsections IV.C. can be used to offset onsite increases in potential to emit (IPE), banked for future onsite offsets, or transferred to other entities, pursuant to the requirements of this Rule and the District's Banking Rule, Rule 210.3. Onsite actual emissions reductions used to offset contemporaneous onsite increases in potential to emit (IPE) are not required to obtain emission reduction credit banking certificates, but must satisfy requirements of Rule 210.3.

D. Calculating New Source Review Balances (NSRB's) for PM_{10} and SOx:

Stationary source NSR Balances shall be calculated separately for each pollutant. A stationary source's NSR Balance cannot be greater than the stationary source's potential to emit, including any banked emission credits or less than zero. NSR Balances shall be calculated as follows:

1. Effective August 19, 1991 the Control Officer shall set an NSR balance equal to the stationary source cumulative net emissions change for all applications deemed complete after the baseline date and prior to August 19, 1991. Emissions changes (increases and decreases) shall be those quantified by KCAPCD for each affected Authority to Construct or application. If the existing cumulative net emissions change is less than zero, the NSR balance shall be set to zero; historic actual emission reductions may be bankable subject to requirements of Rule 210.3. For emission units added, modified, or shutdown after August 19, 1991, adjustments made to an NSR balance shall be made pursuant to Subsections IV.D.2. and IV.D.3 of this Rule.

2. Each stationary source PM_{10} and SOx NSR Balance shall be the sum of:

   a. Positive cumulative net emissions changes as of August 19, 1991;

   b. Potential to emit for all emissions units with applications deemed complete after August 19, 1991, as authorized by the latest Permit to Operate, or based on a valid Authority to Construct. If more than one valid Authority to Construct exists for the same emissions unit, the Permit to Operate or Authority to Construct with highest potential to emit shall be used;

   c. All increases in potential to emit authorized by valid or implemented Authorities to Construct for emissions units in existence prior to August 19, 1991 and modified after August 19, 1991;

   d. Banked emissions to the extent these reductions have been included in the NSR Balance pursuant to Subsection IV.D.3.a.; and

   e. Potential to emit for cargo carriers and secondary source operation associated with major sources or major modifications if the NSR Balance equals or exceeds an offset trigger level set forth in Subsection III.B.3.

3. The following shall be subtracted when determining a stationary source NSR Balance:

   a. Actual emission reductions authorized by implemented Authorities to Construct for source operations in existence prior to August 19, 1991 and modified or shutdown after August 19, 1991, but only if the stationary source was originally charged with a positive emission change pursuant to Subsection IV.D.2.c.;

   b. Banked emission reduction credits, representing onsite emission reductions from the stationary source, voluntarily surrendered to the District;

   c. Potential to emit for emissions units included in the NSR balance for each

expired or canceled Authority to Construct or Permit to Operate, provided emissions reduction credits have not been obtained pursuant to Rule 210.3;

d. Actual emission reductions represented by Authority to Construct provided historical actual emission reduction credits have not been obtained pursuant to Rule 210.3; and

e. Potential to emit for each valid Authority to Construct or Permit to Operate for source operations exempt from offsets by Subsection III.B.2. to the extent these were included in NSR Balance in Section IV.D.2.

E. Calculating Stationary Source Potentials to Emit (SSPE's) for NOx and VOC:

1. Each stationary source NOx and VOC potential to emit shall be the sum of the following:

a. Potential to emit for all source operations based upon current Permits to Operate and Authorities to Construct. If specific conditions contained in an Authority to Construct or the Permit to Operate restrict emissions, these limitations shall be used to calculate potential to emit.

b. Increases in potential to emit authorized by valid Authorities to Construct for the stationary source in effect on June 8, 1992 and issued since;

c. Banked emission reduction credits for actual emission reductions which have occurred at the source; and

d. Cargo carrier and secondary source emissions associated with major sources or major modifications, if the stationary source potential to emit exceeds a trigger level set forth in Subsection III.B.3.

2. The following shall be subtracted when determining a stationary source potential to emit:

a. Potential to emit for each expired or canceled Authority to Construct or Permit to Operate, provided emission reduction credits have not been applied for pursuant to Rule 210.3;

b. Actual emission reductions provided emission reduction credits have not been obtained pursuant to Rule 210.3;

c. Banked emission reduction credits, representing onsite emission reductions from the stationary source voluntarily surrendered to the District; and

d. Potential to emit for each valid Authority to Construct or Permit to Operate for

source operations exempt from offsets by Subsection III.B.2.

F. Calculating Offset Requirements:

When offsets are triggered pursuant to Subsection III.B.3., the quantity of offsets shall be determined as follows:

1. If the NSR balance or the stationary source potential to emit equals or exceeds an offset trigger level in Section III.B.3.,

   for PM_{10} or SOx:

   Offset = NSR Balance x Offset Ratio;

   for NOx or VOC:

   Offset =SSPE x Offset Ratio.

2. If the stationary source equals or exceeds a trigger level due to a KCAPCD rule change, e.g. loss of permit exemption or change in offset trigger level,

   for PM_{10} or SOx:

   Offset = [NSR Balance (post project) - NSR Balance (immediately prior to rule change)] x Offset Ratio;

   for NOx or VOC lesser of:

   a. IPE x Offset Ratio, or

   b. (SSPE - Offset Trigger Level) x Offset Ratio

3. If the stationary source has previously offset the entire NSR balance or stationary source potential to emit,

   for PM_{10}, SOx, NOx, or VOC:

   Offset = Increase in Permitted Emissions x Offset Ratio.

V. Administrative Requirements

A. New and Modified Emissions Units: Administrative requirements of this section shall apply to all applications for new or modified emissions units except for power plant applications of over 50 megawatts. For such power plants the administrative requirements of Subsection V.B. shall apply.

1. Complete Application:

   The Control Officer shall determine whether an application is complete not later than 30 days after receipt. If the Control Officer determines the application is not complete, the applicant shall receive written notification of this decision and a request for the information required. Upon receipt of additional information, a new 30-day period shall begin. Completeness of an application shall be determined on the basis of the District's "List and Criteria" (see Page L&C-1) in effect on the date the application or additional information is received. Upon determination the application is complete, the Control Officer shall notify the applicant in writing. The Control Officer may, during application processing, request an applicant to clarify, amplify, correct, or otherwise supplement information submitted in the application.

2. Preliminary Decision:

   Following acceptance of an application as complete, the Control Officer shall perform the analysis necessary to determine compliance with this Rule and make a preliminary written decision to approve (or deny) the Authority to Construct. The Control Officer shall deny any application for Authority to Construct if the Control Officer finds the proposal will not comply with standards set forth in this Rule or any other District Rule. The decision shall be supported by a succinct, written analysis.

3. Notification and Publication of Preliminary Decision to Approve:

   a. Requirements of the following Subsections (V.A.3.b. through V.A.3.d.) do not apply unless:

      1) the application represents an emission increase resulting in a stationary source NSR balance stationary source potential to emit exceeding offset trigger levels of Subsection III.B.3.; and

      2) emissions offsets from a different stationary source will be provided.

   b. Within 10 calendar days following a preliminary decision to approve, the Control Officer shall publish in at least one newspaper of general circulation in the District a notice stating the preliminary decision of the Control Officer, noting how pertinent information can be obtained, and inviting written public comment for a 30-day period following date of publication.

   c. The Control Officer shall transmit to the applicant his preliminary written decision to approve and a copy of the notice submitted for publication, no later than date of publication.

d. The Control Officer shall transmit to the California Air Resources Board and the U.S. EPA, and to any person requesting such information, his preliminary written decision, analysis, and a copy of the notice submitted for publication, no later than date of publication.

4. Public Inspection of Preliminary Decision Documents:

   No later than the publication date of the notice of preliminary decision, the Control Officer shall make available for public inspection at the District Office information submitted by the applicant, and the Control Officer's analysis. Trade secrets shall be processed in accordance with Rule 103 of these Rules and Regulations, Section 6254.7 of the Government Code, and relevant sections of the California Administrative Code.

5. Final Action:

   Within 180 days after acceptance of an application as complete, or within 180 days after the lead agency has approved the project under the California Environmental Quality Act, whichever occurs later, the Control Officer shall take final action on the application after considering all written comments.

6. Notification and Publication of Final Action:

   The Control Officer shall provide written notice of the final action to the applicant, U.S.EPA, and the California Air Resources Board, and shall publish such notice in a newspaper of general circulation in the District. An application not subject to the Notification and Publication of Preliminary Decision requirements shall not be subject to Notification and Publication of Final Action requirements of this section. In such case the applicant shall receive notification as provided in Rule 206.

7. Public Inspection of Final Action Documents:

   No later than the publication date of the notice of final action the Control Officer shall make available for public inspection at the District office a copy of the notice submitted for publication and all supporting documents. Information submitted containing trade secrets shall be processed in accordance with Rule 103, Section 6254.7 of the Government Code, and relevant sections of the California Administrative Code.

8. Public Notice, Schools:

   Prior to approving any application for an Authority to Construct a new or modified source expected to emit any substance on the list required to be prepared pursuant to Section 44321 of the California Health and Safety code and located

within 1000 feet of the outer boundary of a school, the Control Officer shall:

a. Prepare a public notice fully describing the proposed new or modified source and proposed emissions, and

b. Distribute such notice at the expense of the applicant to parents of children attending any school within one-quarter mile of the source and to each address within a radius of 1000 feet of the proposed new or modified source at least 30 days prior to the date final action on the application is to be taken by the Control Officer. The Control Officer shall review and consider all comments received during the 30 days after the notice is distributed, and shall include written responses to such comments in the permit application file prior to approving the application.

9. Authority to Construct - General Conditions:

a. An Authority to Construct shall not be issued unless the new or modified source complies with provisions of this Rule and all other applicable District Rules and Regulations;

b. An Authority to Construct shall require the new or modified source to be built according to specifications and plans contained in the application;

c. An Authority to Construct shall include all federally-enforceable conditions necessary to assure construction and operation in the manner assumed in the District's analysis to determine compliance with this Rule; and

d. An Authority to Construct shall include all federally-enforceable conditions necessary to insure fulfillment of offset requirements.

10. Permit to Operate - General Conditions:

a. A Permit to Operate shall require the new source or modification to be operated in the manner assumed in the District's analysis to determine compliance with this Rule and as conditioned in the Authority to Construct;

b. A Permit to Operate shall include daily emissions limitation(s), annual emission limits, and other federally-enforceable conditions reflecting applicable emission limits, including offset requirements;

c. The Control Officer shall verify all conditions specified in the Authority to Construct have been satisfied prior to issuance of the Permit to Operate; and

d. A Permit to Operate shall conform to applicable requirements of Title V of the 1990 Federal Clean Air Act Amendments.

11. Permit to Operate - Offset Conditions:

a. As a condition for issuance of a Permit to Operate, any source providing offsets shall be subject to federally-enforceable permit conditions containing specific operational and emissions limitations, ensuring emissions reductions will be provided in accordance with provisions of this Rule and will continue for the reasonably expected life of the proposed source. Where the Control Officer is prohibited from issuing a Permit to Operate to the source of offsets, a written contract shall be required between the applicant and the owner or operator of such source, which contract, by its terms, shall be enforceable by the Control Officer. The permit and contract shall be submitted to the California Air Resources Board to be forwarded to the U.S. EPA as part of the State Implementation Plan. A violation of the emission limitation provisions of any such contract shall be grounds for permit revocation.

b. Offsets required as a condition of an Authority to Construct or a Permit to Operate shall commence not later than the date of initial operation of the new or modified source.

B. Electrical Power Plants Over 50 Megawatts:

All power plants over 50 megawatts proposed to be constructed in the District,and for which a Notice of Intention of Application for Certification has been accepted by the California Energy Commission (CEC),shall comply with applicable state law, this Rule, and CEC regulations.

The BAKERSFIELD CALIFORNIAN
P.O. BOX 440
BAKERSFIELD, CA 93302

PROOF OF PUBLICATION

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KERN COUNTY APCD
2700 M ST

BAKERSFIELD CA 93301

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STATE OF CALIFORNIA
COUNTY OF KERN

I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE COUNTY AFORESAID: I AM OVER THE AGE OF EIGHTEEN YEARS, AND NOT A PARTY TO OR INTERESTED IN THE ABOVE ENTITLED MATTER. I AM THE ASSISTANT PRINCIPAL CLERK OF THE PRINTER OF THE BAKERSFIELD CALIFORNIAN, A NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED DAILY IN THE CITY OF BAKERSFIELD COUNTY OF KERN,

AND WHICH NEWSPAPER HAS BEEN ADJUDGED A NEWSPAPER OF GENERAL CIRCULATION BY THE SUPERIOR COURT OF THE COUNTY OF KERN, STATE OF CALIFORNIA, UNDER DATE OF FEBRUARY 5, 1952, CASE NUMBER 57610; THAT THE NOTICE, OF WHICH THE ANNEXED IS A PRINTED COPY, HAS BEEN PUBLISHED IN EACH REGULAR AND ENTIRE ISSUE OF SAID NEWSPAPER
AND NOT IN ANY SUPPLEMENT THEREOF ON THE FOLLOWING DATES, TO WIT:

01/26

ALL IN THE YEAR 2000

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED AT BAKERSFIELD CALIFORNIA

January 26, 2000

First Text
NOTICE OF PUBLIC HEARING BEFORE THE AIR

Ad Number 280875

NOTICE OF PUBLIC HEARING BEFORE THE AIR POLLUTION CONTROL BOARD KERN COUNTY AIR POLLUTION CONTROL DISTRICT REGARDING ENACTMENT OF PROPOSED AMENDMENTS TO RULES AND REGULATIONS

NOTICE IS HEREBY GIVEN that the Air Pollution Control Board of the Kern County Air Pollution Control District (District) has called and fixed a public hearing to be held March 2, 2000 at 2:00 p.m. at the Tehachapi City Hall, 115 South Robinson Street, Tehachapi, California. On January 6, 2000, the Board resolved to consider the adoption of certain proposed revisions to the Rules and Regulations of the District. The proposed revisions to the Rules and Regulations will:
(1) Add a new "List C" to the District's List and Criteria to implement the Prevention of Significant Deterioration (PSD) permitting program which U.S. EPA recently delegated to the District;
(2) Amend Rule 427, Subsection VIII.C.2.c to allow initial test results for compliance demonstration emission testing to deviate by more than 20% if the results are still at least 20% below the applicable emission limit for purposes of inclusion of the engine in a group of engines that are annually tested based on tests of a representative number of similar engines as provided in Subsection VIII.C.2; and
(3) Amend Rule 210.1 to revise the emission offset limits as follows:

Location of Emission Offset

From mobile sources within District within the Mojave Desert Air Basin from another air basin

Emission Offset Ratio

1.0 to 1.0
1.2 to 1.0
That necessary to provide "Reasonable Further Progress", but not less than 1.2 to 1.0.

The proposed amendments to the Rules and Regulations relate to:

RULE NUMBER

List and Criteria

GENERAL SUBJECT

Information required with an Application for Authority to Construct new or modified equipment, or a Permit to Operate existing equipment

RULE NUMBER

Rule 210.1

GENERAL SUBJECT

New and Modified Source Review

RULE NUMBER

Rule 427

GENERAL SUBJECT

Stationary Piston Engines (Oxides of Nitrogen)

A copy of the proposed revisions and a summary description of the effect of the proposed revisions are on file with the District and the Secretary of this Board and available for inspection and copying by any interested persons at 2700 "M" Street, Suite 302, Bakersfield, California, and 1775 Highway 58, Mojave, California. Interested persons may appear at the hearing and make oral comments. Written comments are invited for consideration and will be received until the close of business on March 1, 2000. Such written comments may be submitted to Thomas Paxson, APCO, Kern County Air Pollution Control District, whose address and telephone number are as follows:

Thomas Paxson, APCO
Kern County Air Pollution Control District
2700 "M" Street, Suite 302
Bakersfield, California 93301
(661) 862-5250

Written comments, upon receipt by the District, shall become public information and anyone may view the comments and, upon payment of the cost thereof, obtain a copy.
The Air Pollution Control Officer has determined that, because the proposed action to revise the District Rules and Regulations is to assure the maintenance, restoration, enhancement or protection of the environment, the proposed action is, therefore, categorically exempt from the provisions of the Environmental Quality Act of 1970 (CEQA) under sections 15000 and 15308 of the State CEQA Guidelines.
Dated: January 20, 2000
RACHEL O. CHAVEZ
Secretary of the Air Pollution Control Board of the Kern County Air Pollution Control District
By/s/ Rachel O. Chavez
January 26, 2000 (280875)

#5.

KERN COUNTY AIR POLLUTION CONTROL DISTRICT
THOMAS PAXSON, P.E., APCO

BAKERSFIELD OFFICE
2700 "M" STREET, SUITE 302
BAKERSFIELD, CA 93301-2370
PHONE (661) 862-5250
FAX (661) 862-5251

MOJAVE OFFICE
1775 HIGHWAY 58
MOJAVE, CA 93501-1945
PHONE (661) 824-4631

May 4, 2000

Board of Directors
Kern County APCD
2700 "M" Street, Suite 302
Bakersfield, CA 93301

SUBJECT: Hearing to Consider Amending Rule 210.1
(New and Modified Source Review)

Honorable Board:

Kern County APCD Rule 210.1 (New and Modified Source Review) is intended to insure new and modified sources of air pollution: 1) utilize Best Available Control Technology (BACT), and 2) do not emit pollutants in quantities which will prevent attainment or maintenance of ambient air quality standards (AAQS's).

One method by which Rules 210.1 insures attainment/maintenance of AAQS's is to require "emissions offsets" for significant pollutant increases. "Emissions offsets" are reductions in existing emissions intended to counteract the adverse air quality impact of new emissions.

Subsection III.B.5. of Rule 210.1 sets forth emissions "offset ratios". These ratios require more than one pound of existing pollutant reduction for each new pound of pollutant depending on the relative locations of the new emissions and the offsets.

A comparison of KCAPCD's Rule 210.1 offset ratios with ratios of other adjacent air districts, reveals KCAPCD's are too high. KCAPCD's ratios are not only higher than other district's ratios but also higher than is necessary to satisfy the California Clean Air Act (California Health & Safety Code), the Federal Clean Air Act, and the Code of Federal Regulations.

Consequently, staff is proposing Rule 210.1, Subsection III.B.5. be amended to correct this discrepancy.

IT IS RECOMMENDED your Board open hearing; receive public comment; close hearing; and adopt resolution amending Rule 210.1 (New and Modified Source Review).

Sincerely,

Thomas Paxson, P.E.
Air Pollution Control Officer

TP:roc

Attachment

KERN COUNTY AIR POLLUTION CONTROL DISTRICT
THOMAS PAXSON, P.E., APCO

BAKERSFIELD OFFICE
2700 "M" STREET, SUITE 302
BAKERSFIELD, CA 93301-2370
PHONE (661) 862-5250
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MOJAVE OFFICE
1775 HIGHWAY 58
MOJAVE, CA 93501-1945
PHONE (661) 824-4631

May 30, 2000

Mr. Harry Metzger
Manager Rule Evaluation Section
Project Assessment Branch
California Air Resources Board
2020 "L" Street
P.O. BOX 2815
Sacramento, CA 95812

SUBJECT: Amended Rules 210.1 (New and Modified Stationary Source Review (NSR)) and 427 (Stationary Piston Engines (Oxides of Nitrogen)

Dear Mr. Metzger:

Please find enclosed documentation pertaining to amendments to two rules, Rule 210.1 (New and Modified Stationary Source Review (NSR)) and Rule 427 (Stationary Piston Engines (Oxides of Nitrogen). These amendments were adopted by our Board on May 4, 2000.

Pursuant to CARB/U.S. EPA Guidelines, please incorporate both amended rules into the SIP.

Please let me know if you have any questions or comments.

Sincerely,

Thomas Paxson, P.E.
Air Pollution Control Officer

TP:roc

Enclosures